

# In The Supreme Court of the United Kingdom

B E T W E E N

THE QUEEN on the application of  
CHONG NYOK KEYU and others

Appellants

-and-

SECRETARY OF STATE FOR  
FOREIGN AND COMMONWEALTH AFFAIRS and another

Respondents

(1) ATTORNEY GENERAL FOR NORTHERN IRELAND  
(2) PAT FINUCANE CENTRE AND RIGHTS WATCH (UK)

Interveners

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## WITNESS STATEMENT BY THE SECOND INTERVENERS

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### Description of the second interveners

1. The Pat Finucane Centre is a charity which provides an advocacy, advice and support service to families who were bereaved and/or individuals who were injured as a result of the Northern Ireland conflict who wish to engage with relevant official investigatory agencies to establish the facts surrounding the death of their loved ones. For example, PFC provides support to bereaved families going through the inquest process. PFC currently provides this service to approximately 220 families across Ireland through three offices in Derry, Armagh and Dublin.
2. Rights Watch (UK), formerly British Irish Rights Watch, is a charity that provides support and assistance to many individuals wishing to attain justice and access the truth for themselves or their relatives in respect of events that formed part of the conflict in Northern Ireland. RWUK has a great deal of experience of working with the relevant official investigatory agencies. RWUK has intervened in a number of

cases in the House of Lords and ECtHR involving the investigative duty under article 2. They have received wide recognition, for example as the first winner of the Parliamentary Assembly of the Council of Europe's Human Rights Prize in 2009 alongside other honours.

### **Summary of this statement**

3. Much of the necessary investigatory work into deaths during the Northern Ireland conflict has already been done. The small proportion of that work that remains outstanding largely involve deaths for which the state may bear some responsibility. Completing proper inquiries in those cases is of fundamental importance to the dignity of those we represent as well as for the fragile peace in Northern Ireland.
4. There is a broad consensus, not just among bereaved families but also among the Northern Ireland's political groups, as to how those outstanding inquiries should be carried out. A flexible model of inquiry is necessary, the nature and extent of which depends on the particular matter that has yet to be properly investigated. It should be able to rely on, without repeating, the work of previous investigations. This reflects what is required by the article 2 procedural duty. Indeed, there appears to be consensus that the investigation of legacy cases should comply with that duty.
5. In part for these reasons, the recognition that outstanding investigations into deaths involving state officials during the Troubles must satisfy the article 2 procedural duty, is unlikely to increase the resources required for these inquiries. The main difference article 2 may make is to encourage the authorities to act promptly, which is crucial.

## **Joint statement by relevant NGOs on dealing with the past**

6. On 10 December 2014, a statement was released by several NGOs, about the investigation of legacy cases. The NGOs were the Pat Finucane Centre, Rights Watch UK, Relatives for Justice, Amnesty International, the Committee on the Administration for Justice, and Justice for the Forgotten.
7. All of those NGOs supported the template for the investigation of the past set out in the Haass report:

“The template for addressing the past can be found in recommendations by the consultative Group on the Past (Eames/Bradley 2009), and in the draft proposal developed by Dr. Richard Haass and Professor Meghan O’Sullivan (and published by the Executive on 31 December 2013)...

It is our view that all too often for the sake of political expediency meaningful discussion of the past or legacy gets put on a back burner in order for other deals to be brokered. And yet, those other deals, typically, tend to fall apart because of the underlying failure to address the past and the divisions that continue to exist as a result.

Addressing the past and getting it right is important not just for victims’ right to truth and remedy, but is crucially important to the wider aspirations of societal reconciliation, healing and recovery...”

## **The Haass report**

8. On 31 December 2013 Dr Richard Haass and Professor Meghan produced a report called “*Agreement among the parties of the Northern Ireland Executive on ... contending with the past*”<sup>1</sup>. It is referred to here as “the Haass report”. Its origin was that the First Minister and Deputy First Minister established a panel headed by the chair, Dr Haass, and including two members from each of the five parties in the Executive. The panel was asked to consult stakeholders about the relevant issues and try to come to an agreement. This resulted in the Haass report.

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<sup>1</sup> [www.northernireland.gov.uk/haass.pdf](http://www.northernireland.gov.uk/haass.pdf)

Although there was a large measure of agreement about the contents of the report, it was not ultimately possible to obtain consensus on every aspect of it from all five of the parties.

9. The report came to the following conclusions and recommendations:
10. Peace in Northern Ireland is fragile. The past year was particularly challenging, with civil disorder and continued acts of violence by those wanting to thwart Northern Ireland's progress (p 1). Further:

"Despite the desire of most citizens to look ahead and move forward, Northern Ireland remains constrained by its past. The various agreements, in taking on the huge and important work of building new political institutions, did not give society the tools or venues to fully grapple with the pain and anger that are inevitably the legacy of generations of violence and conflict. The paths made available over the ensuing years have not proven equal to that demanding task. As a result, the past continues to permeate our government, institutions, and people. It creates mistrust among leaders at all levels of society who wish to continue tackling problems of the modern world. It maintains the gulf between neighbours who pass each other in the street or in the shops. Without facing this issue, Northern Ireland and its people will find it challenging to achieve the future its people desire and deserve." (p 19)

"For many of the families whose loved ones were killed in the conflict, and for those who were themselves victims, the need to know more about the circumstances of their case is profoundly important." (p29)

11. The means that have been used in the recent past for investigating legacy cases are:
  - 11.1. The criminal justice system.
  - 11.2. An inquest.
  - 11.3. The Historical Inquiries Team ("HET").
  - 11.4. The Police Ombudsman of Northern Ireland ("PONI", which is empowered to investigate 'grave and exceptional' historical offences suspected to have been committed by police officers).

11.5. Some form of public inquiry.

12. The panel recommended the creation of a “Historical Investigations Unit” to conduct investigations into deaths that took place during the conflict, but which have not yet been properly investigated. This unit would consider both (i) deaths for which the authorities may have been responsible, and (ii) deaths which were the responsibility of third parties, not the state. Very few of the outstanding investigations will involve the former. The report concluded that where further investigation was required, that would be compliant with the article 2 procedural duty.

“How It Will Work

The HIU will begin its work on each case with a review of the case’s existing file and any associated intelligence that may be held by the PSNI. Should the HIU identify deficiencies with the original investigation or new evidence that suggests the possibility of a fruitful investigation, we agree that it will have investigative powers and arrangements identical to those of the PSNI. Such powers will enable it to conduct investigations that are Article 2-compliant. ” (p27)

13. The proposed features of the HIU included:
- 13.1. It “should be led by a trusted figure with relevant investigative or legal experience and a reputation for integrity and independence.” (p28)
  - 13.2. Where appropriate it could refer cases to the Public Prosecutions Service.
  - 13.3. If not, a report on the case will be prepared, which the victim’s family may review if they so choose (p29 and 30).
  - 13.4. The victim’s family may use the services of an advocate-counsellor (28) and may request information (p31).
  - 13.5. The HIU will also establish an internal unit to report on patterns and themes: that is, whether individual acts were carried out pursuant to policies and strategies (p31-32). The panel “agree that

examining such themes is a vital step towards contending with the legacy of the past.” (p32). Examples of themes included “alleged collusion between governments and paramilitaries; alleged ethnic cleansing in border regions and in interface neighbourhoods; the alleged UK ‘shoot to kill’ policy” (p33).

14. The interveners continue to support the proposals set out above, for the investigation of deaths which have not yet been adequately examined.

### **Stormont House Agreement**

15. On 23 December 2014 Northern Ireland’s political leaders came to the Stormont House Agreement<sup>2</sup>. This committed to setting up the HIU by statute, and decided that:
  - 15.1. Legislation will establish a new body to take forward investigations into outstanding Troubles-related deaths, called the Historical Investigations Unit (§30).
  - 15.2. It will be wholly independent from other agencies.
  - 15.3. Processes dealing with the past will be victim-centred.
  - 15.4. Legacy inquests will continue as a separate process. The Executive will take appropriate steps to improve the way the legacy inquest function is conducted to comply with ECHR Article 2 requirements (§31).
  - 15.5. The HIU will have dedicated family support staff who will involve the next of kin from the beginning and provide them with expert advice and other necessary support throughout the process (§33).
  - 15.6. It will take forward only those outstanding cases from the HET process, and from the legacy work of the Police Ombudsman for Northern Ireland, that require further examination (§34).

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[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/390672/Stormont\\_House\\_Agreement.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/390672/Stormont_House_Agreement.pdf)

- 15.7. The UK and Irish authorities will make full disclosure of relevant information (37 and 39).
- 15.8. A report will be produced in each case.
16. It appears to us that the model of investigation that has been agreed upon is equivalent to what is required by the article 2 procedural duty. We note that in *Brecknell v United Kingdom* (2008) 46 EHRR 42 the European Court said that where fresh evidence triggers the need for a new investigation, the nature and extent of the subsequent investigation would depend on the circumstances of each particular case (paragraphs 68 to 72). While a death in which there was state involvement would have to be independent, the level of public scrutiny and family involvement would vary from case to case.
17. The template described in the Haass report and endorsed by the Stormont House Agreement would achieve public confidence. That is, there should be a wholly independent, properly qualified body which conducts focused investigations, the nature and extent of which is tailored to the particular circumstances of each case. In conducting its investigations, the body could rely on previous investigations, evidence obtained, and reports produced. It would not need to start afresh. It will only need to inquire into matters which have not already been properly examined.

### **The public importance of investigations into legacy cases**

18. There is a profound and widespread public importance in the completion of outstanding investigation of deaths during the conflict. That is particularly true of those deaths for which the authorities may have had some responsibility. There continues to be a considerable mistrust of the police and other public authorities, because it is suspected they are covering up state culpability for these legacy cases.

It will only be through the exposure of the circumstances of deaths, and holding to account those responsible, that public trust in the authorities can be obtained.

19. The Northern Ireland Human Rights Commission has noted:

“The legacy of conflict runs deep in Northern Ireland. There remain serious gaps in accountability, justice and inter-community reconciliation. Division and sectarianism result in violence and other forms of hate crime. Lives continue to be blighted and lost.”<sup>3</sup>

20. As the Haass report recognises, peace in Northern Ireland is fragile. If the public does not have confidence that the outstanding legacy cases have been properly examined, there is a risk of a return to the 30 years of political violence that preceded the Good Friday Agreement in 1998. It is obvious that if that happened, there could be a huge cost, financial and otherwise.

## **Resources**

21. It is important to consider resource issues in the above context. However, we recognise that any remaining investigations should be carried out as cost effectively as possible. Resources are limited and if investigations are too expensive, they will be delayed or will not happen adequately or at all. We do not consider that full public inquiries into every outstanding legacy case would be necessary or appropriate. The model first proposed by Dr Haass and his panel would be far less costly than a series of public inquiries.
22. Take an example of a death that has been satisfactorily investigated in the past, but some fresh, credible allegation of state culpability from a

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[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/246450/0589.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/246450/0589.pdf), Annual Report 2012-2013, page 8.



particular individual comes to light. In that case, it may be sufficient if the allegation is initially investigated by an independent judicial officer, with input on lines of inquiry from the bereaved family. That investigator may then decide that the allegation is incredible and cannot lead to any prosecution or new significant factual finding. Or he or she may consider that more extensive investigation is necessary.

23. There are at present 51 inquests into legacy cases (i.e. deaths during the conflict for which the State may bear some responsibility) involving 78 deaths. The Lord Chief Justice of Northern Ireland in *Re. Jordan's Application for Judicial Review* [2014] NICA 76, drew attention to deficiencies in the coronial system:

“121 The impact of these deficiencies has been most pronounced in the conduct of legacy inquests. This is the group of historical inquests in which there are allegations of state involvement in the deaths and issues including murder of suspected terrorists, collusion, planning and control, individual error and cover-up. There are at present 51 such cases involving 78 deaths. The oldest of the cases relates to a death in February 1971 and the most recent to a death in July 2005. This number may increase as a result of future referrals by the Attorney General...

124 It is not the function of this court to determine how the United Kingdom should honour its Article 2 investigatory obligations in the legacy cases but it seems inevitable that the requirement of reasonable expedition will continue to be breached unless there is a new approach. There are models within this jurisdiction... which might provide the basis for an effective solution. It would be possible to have all of the legacy cases taken out of the inquest system and all of them considered in a time bound inquiry. Past experience suggests the need for a chair with senior judicial experience. The inquiry would need facilities for independent investigation and powers of compulsion in respect of witnesses and documents. PII would have to be addressed by redaction and gisting so that the families would have a proper opportunity to comment on the evidence and be involved to the appropriate extent. The procedures for any oral evidence would need careful consideration. Common themes might be identified. It seems to us that all of this could be achieved in a Convention compliant

manner.

125 Although we recognise that it is for the executive and the legislature to find a solution to this issue it is abundantly clear that the present arrangements are not working. Unless a solution is achieved we will continue to incur considerable public expense in legal challenges and claims for compensation such as those arising in this case and the subject of further hearing. We hope that these observations are of assistance to those charged with finding a solution.” per Morgan LCJ, Girvan LJ and Gillen LJ.

24. A decision that inquests into legacy cases must satisfy the article 2 procedural duty is unlikely to increase the cost or length of those inquests. That is because the investigation that is required at a traditional inquest to which article 2 does not apply must now be as extensive as that which is required at a *Middleton* inquest: *R (Sreedharan) v HM Coroner for Manchester* [2013] EWCA Civ 181 paragraph 18(vii); *R (Smith) v Oxfordshire Assistant Deputy Coroner* [2011] 1 AC 1 at paragraphs 73–78, 152–154, and 208. The only difference is in the wording that may be used within the verdict.
25. The recognition that article 2 applies to legacy cases may in fact decrease costs. That is firstly because it will make clear what the necessary inquiries involve. Until now, the process has been characterized by the same death being investigated again and again because the process was not sufficiently independent, or information has not been properly disclosed.
26. There is a cyclical process whereby a body carries out useful investigations, but concerns over independence lead to external reviews, which conclude the body has not properly investigated legacy cases. This leads to the investigatory body being disbanded, and an entirely new structure being put in place. As was recognized by the Lord Chief Justice in paragraph 125 of *Jordan’s application*, quoted

above, there are associated costs of repeated judicial reviews and claims to the European Court, and of reviews into the adequacy of current investigations. This causes the overall cost to be far, far greater than if a proper inquiry had occurred in the first place<sup>4</sup>.

27. A recognition that article 2 applies in these cases may also encourage the state to be open and transparent, which should decrease costs. Northern Ireland's Senior Coroner, John Leckey, wrote a letter to Justice Minister David Ford, stating that the Police Service of Northern Ireland has failed to disclose relevant information and this approach is driving up costs<sup>5</sup>. The Committee for the Administration of Justice has concluded that: "The costs of dealing with the past could be significantly reduced by state actors cooperating more effectively with investigations"<sup>6</sup>.
28. The most significant difference article 2 may make is to encourage the authorities to act promptly in doing what they say they will do. This is crucial, because the current investigatory process so far has been plagued by delay, as has been recognized by the European Court in repeated findings of violation of the article 2 procedural duty<sup>7</sup>. The Senior Coroner of Northern Ireland has said to the Justice Minister that

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<sup>4</sup> A detailed analysis can be found in the CAJ report: [www.caj.org.uk/files/2015/01/30/No.\\_66\\_The\\_Apparatus\\_of\\_Impunity\\_Human\\_rights\\_violations\\_and\\_the\\_Northern\\_Ireland\\_conflict\\_Jan\\_2015\\_.pdf](http://www.caj.org.uk/files/2015/01/30/No._66_The_Apparatus_of_Impunity_Human_rights_violations_and_the_Northern_Ireland_conflict_Jan_2015_.pdf). The CAJ is an NGO affiliated to the International Federation of Human Rights, and this report was produced in collaboration with the Queen's University of Belfast, and was led by Professor Kieran McEvoy.

<sup>5</sup> [www.thedetail.tv/issues/318/coroner-attacks-nio-doj/coroner-launches-unprecedented-attack-over-delays-in-shoot-to-kill-inquests](http://www.thedetail.tv/issues/318/coroner-attacks-nio-doj/coroner-launches-unprecedented-attack-over-delays-in-shoot-to-kill-inquests)

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[www.caj.org.uk/files/2015/01/30/No.\\_66\\_The\\_Apparatus\\_of\\_Impunity\\_Human\\_rights\\_violations\\_and\\_the\\_Northern\\_Ireland\\_conflict\\_Jan\\_2015\\_.pdf](http://www.caj.org.uk/files/2015/01/30/No._66_The_Apparatus_of_Impunity_Human_rights_violations_and_the_Northern_Ireland_conflict_Jan_2015_.pdf), p29.

<sup>7</sup> Such as *Jordan v. United Kingdom*; *Kelly & Ors v. United Kingdom*; *McKerr v. United Kingdom*; *Shanaghan v. United Kingdom*; *McShane v. United Kingdom*; *Finucane v. United Kingdom*; *Brecknell v. United Kingdom*; and *McCaughey v. United Kingdom*. In *Jordan's* and five other Applications [2014] NIQB 71 the applicants were each awarded £7,500 damages for delays in their inquests.

“This situation is clearly untenable and, meanwhile, valuable time is being wasted and evidence likely deteriorating further”<sup>8</sup>.

### **Some legacy cases have not been properly investigated**

29. It appears to us that the great majority of necessary investigatory work into the Troubles has already been done. However, there is wide recognition that important and controversial aspects of that work regarding deaths in which state agents were involved remain outstanding.
30. The UN Committee against Torture produced ‘*Concluding observations on the fifth periodic report of the United Kingdom, adopted by the Committee at its fiftieth session (6-31 May 2013)*’<sup>9</sup>. They welcomed measures to address the past, but noted:

“23. The Committee... notes, however, reports of apparent inconsistencies in the investigation processes where military officials are involved, which delayed or suspended investigations, thus curtailing the ability of competent bodies to provide prompt and impartial investigations of human rights violations and to conduct a thorough examination of the systemic nature or patterns of the violations and abuses that occurred in order to secure accountability and provide effective remedy. In addition, the Committee is concerned about the State party’s decision not to hold a public inquiry into the death of Patrick Finucane (arts. 2, 12, 13, 14 and 16).

**The Committee recommends that the State party develop a comprehensive framework for transitional justice in Northern Ireland and ensure that prompt, thorough and independent investigations are conducted to establish the truth and identify, prosecute and punish perpetrators.”**

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<sup>8</sup> [www.thedetail.tv/issues/318/coroner-attacks-nio-doj/coroner-launches-unprecedented-attack-over-delays-in-shoot-to-kill-inquests](http://www.thedetail.tv/issues/318/coroner-attacks-nio-doj/coroner-launches-unprecedented-attack-over-delays-in-shoot-to-kill-inquests)

<sup>9</sup> [www.justice.gov.uk/downloads/human-rights/cat-concluding-observations-may-2013.pdf](http://www.justice.gov.uk/downloads/human-rights/cat-concluding-observations-may-2013.pdf)

31. A report by Amnesty International dated 12 September 2013 called *Northern Ireland: Time to Deal with the Past*<sup>10</sup> concluded that some victims of the conflict in Northern Ireland are being 'disgracefully let down' by a flawed and fragmented approach to investigation of some remaining cases. The report supported a similar model of investigation to that in the Haass report (p55-60). It concluded: "Investigating human rights violations and abuses to establish the truth and ensure justice is essential to address impunity in Northern Ireland and ensure meaningful and lasting peace."
32. On 6 November 2014 the Council of Europe's Commissioner for Human Rights said:
- "Until now there has been virtual impunity for the state actors involved and I think the government has a responsibility to uphold its obligations under the European Convention to fund investigations and to get the results.
- "The issue of impunity is a very, very serious one and the UK government has a responsibility to uphold the rule of law. This is not just an issue of dealing with the past, it has to do with upholding the law in general."<sup>11</sup>
33. The HET has closed down<sup>12</sup>, and will not be investigating the outstanding issues. However, it did a great deal of the investigation required into legacy cases. It has produced reports in many cases, and obtained a considerable amount of evidence. This greatly reduces the amount of work left to do. It did not properly inquire into all cases. Her Majesty's Inspectorate of Constabulary produced a report on the HET in July 2013. Its findings included that: "[T]he HET's approach to state involvement cases is inconsistent with the UK's obligations under Article 2 ECHR" in part because some State involvement cases have been reviewed with less rigour in certain specific respects than non-

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<sup>10</sup> [www.amnesty.org.uk/sites/default/files/time\\_to\\_deal\\_with\\_the\\_past\\_0.pdf](http://www.amnesty.org.uk/sites/default/files/time_to_deal_with_the_past_0.pdf)

<sup>11</sup> [www.bbc.co.uk/news/uk-northern-ireland-29941766](http://www.bbc.co.uk/news/uk-northern-ireland-29941766)

<sup>12</sup> [www.bbc.co.uk/news/uk-northern-ireland-29425544](http://www.bbc.co.uk/news/uk-northern-ireland-29425544)

State cases. This “undermines the effectiveness of the review process in Article 2 terms”.<sup>13</sup>

34. The PFC currently has a caseload of 33 deaths in which the state was involved. 30 of those deaths the body that was involved was the British Army, and in the other 3 the relevant body was the Royal Ulster Constabulary (RUC). As to the RUC deaths, the Office of the Police Ombudsman of Northern Ireland (“OPONI”) undertook an investigation into 2 cases and a review of the papers in the third case. New evidence has since come to light in these cases that may warrant further investigations. Of the 30 British Army deaths, HET Review Summary Reports (“RSRs”) were produced in 16 cases, and in the remaining 14 cases reports were anticipated at the time of disbandment. In 5 of these 30 cases there has been or will be an inquest.
35. One of the thematic reports the HET undertook to complete was into state collusion in a number of deaths and attacks by a gang known as the Glenanne gang. The man leading the report process within the HET has said that the report was 80% complete when the HET was disbanded.

### **The signatories**

36. This statement is filed and signed by Mrs Sara Duddy, Case Worker at The Pat Finucane Centre, and Mrs Yasmine Ahmed, Director of Rights Watch UK.
37. The matters set out in this statement are true and accurate to the best of our knowledge and belief.

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<sup>13</sup> [www.hmic.gov.uk/media/inspection-of-the-police-service-of-northern-ireland-historical-enquiries-team-20130703.pdf](http://www.hmic.gov.uk/media/inspection-of-the-police-service-of-northern-ireland-historical-enquiries-team-20130703.pdf) , page 28

Signed: \_\_\_\_\_

Sara Duddy,

The Pat Finucane Centre

Signed: \_\_\_\_\_

Yasmine Ahmed,

Rights Watch UK

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

### **About The Signatories**

#### Sara Duddy, on behalf of the Pat Finucane Centre:

University of Edinburgh LLB honours with Business Studies (2:1)

Trinity College Dublin LLM

University of Ulster LLB with Human Resource Management

Previously awarded the CAJ Human Rights prize

University of Ulster- Postgraduate Diploma in Professional Legal Education,  
Solicitor Qualification

Trained in Law Centre NI, providing specialist legal advice in the areas of social justice, immigration, social security, employment, community care, mental health law and human rights.

Thereafter, joined the PFC in June 2012, and since then has provided advice and advocacy for those families bereaved as a result of the Troubles in Northern Ireland.

#### Yasmine Ahmed, on behalf of Rights Watch UK

Yasmine Ahmed has been Director of Rights Watch (UK) since April 2014. She brings a wealth of experience from working in civil society, government, the UN and academia.

As Director of Rights Watch (UK) Yasmine oversees all aspects of the work of the organisation. Yasmine leads the organisation's legal work by carrying out and facilitating strategic litigation and working with families and legal

representatives to pursue accountability in respect of specific legacy cases and important campaigns for truth and justice such as the Finucane case (1989), McGurk's Bar Bombing (1971), the Ballymurphy Massacre (1971) and those known as the disappeared, including Jean McConville (1972). Rights Watch (UK) has worked closely supporting families involved in public inquiries, inquests, and the Historical Enquiries Team of the PSNI. We have provided written submissions and oral testimony to consultations by Her Majesty's Inspectorate of Constabulary, the Committee of Minister of the Council of Europe, the United Nations Human Rights Committee, the Northern Ireland Policing Board, Parliamentary Committees and Government Departments on dealing with the past in Northern Ireland, and the need to ensure investigative mechanisms are human rights law compliant. Much of the work of Rights Watch (UK) involves the states obligations under Article 2.

Yasmine has worked as a public international lawyer for the UK and Australian Governments and the United Nations. She worked as an Assistant Legal Adviser at the UK Foreign and Commonwealth Office, a Legal Officer at the Office of International Law, Australian Attorney-General's Department and a law clerk at the International Criminal Tribunal for the former Yugoslavia and the Serious Crimes Unit in Timor-Leste.