Kirsty Sutherland



Junior Counsel - Above 15 Years

CALLED 2010

"Kirsty is immensely knowledgeable in International Criminal Law. Her work is incredibly detailed and..."

CHAMBERS AND PARTNERS, 2027

Kirsty specialises in international criminal law and military law. She is particularly interested in international humanitarian law and continues to develop her academic expertise and practical experience, both in the international criminal tribunals and before UK Court Martial. Kirsty is frequently instructed to provide advice on highly sensitive and strictly classified matters of public international law.

Background and Expertise

Comfortable dealing with the most complex issues, Kirsty is adept at drafting incisive arguments and working with the vast volumes of evidence that are typical of international and cross-border cases. Kirsty is also experienced in conducting in-country investigations in hostile conditions, and can be relied on to produce work of the highest standard under the most difficult circumstances.

Away from work, Kirsty can often be found roaming with history books in hand, and maintains a keen interest in modern art, literature and poetry. Her academic background is in Philosophy, during which she particularly focused on philosophical logic and the work of

Ludwig Wittgenstein, and she holds a Masters in Social Anthropology, in which she concentrated on the plausibility of a universal ethic. Her current academic interest is in modern conflict dynamics.

Before commencing her pupillage at 9BR Chambers, Kirsty worked as an intern with the defence at the Extraordinary Chambers in the Courts of Cambodia and with the Defence for Assad Sabra at the Special Tribunal for Lebanon. Prior to that, she undertook a wide range of work focusing on Burma, including researching alleged violations of international criminal and humanitarian law and drafting submissions to the UN Working Group on Arbitrary Detention. While studying, Kirsty worked for Human Rights Watch and Amnesty International, and retains strong links with both these organisations.

Notable Cases

International Crime

The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud

Associate Counsel for Mr Al Hassan. Mr Al Hassan stands accused of crimes against humanity allegedly committed in Timbuktu by AQIM and ancillary groups, including against cultural property. The case is currently at trial.

The International Criminal Court

Read more:

- ICC CPI
- The Guardian
- Fair Trials: International Criminal Court to decide on inclusion of evidence allegedly tainted by torture in Al Hassan case
- Fair Trials: Commentary: The Prosecutor v. Al Hassan and the exclusion of evidence obtained by torture

Case 004, February 2015 to March 2016, April 2017 to date

The Extraordinary Chambers in the Courts of Cambodia, commonly known as the Khmer Rouge Tribunal, was established to bring to trial senior members of the Democratic Kampuchea regime and 'those most responsible' for alleged serious violations of international criminal law and Cambodian penal law during its 1975-1979 rule. Its nature as a hybrid domestic and international court makes the ECCC a complex and fascinating tribunal. Kirsty works as Senior Legal Consultant for the Defence for Yim Tith in the politically contentious Case 004, which is currently under judicial investigation.

Kirsty's work in Cambodia is extremely demanding and requires fluency in both adversarial and inquisitorial law and procedure.

ECCC

Read more:

- The Phnom Pehn Post
- VOA Cambodia

The Prosecutor v Uhuru Muigai Kenyatta, 2012-2015

Kirsty was a member of the team defending the President of Kenya, Uhuru Kenyatta, in the proceedings against him at the International Criminal Court. Mr Kenyatta faced charges of crimes against humanity in connection with Kenya's 2007-2008 post-election violence. Following consistent admissions as to the failure of its case, the Prosecution withdrew the charges against Mr Kenyatta in December 2014. The proceedings were terminated on 13 March 2015. Kirsty regularly drafted arguments pertaining to complex and novel points of law and intricate evidentiary issues, especially concerning the Prosecution's handling of its investigation. In 2012, she spent several months working closely with the Defence's investigation team in Kenya, during which she conducted her own interviews with both dangerous and extremely vulnerable witnesses. The conditions were unpredictable and often hostile, requiring sensitivity, alertness and pragmatism.

International Criminal Court

Read more:

- The Guardian
- BBC News
- 9BR Chambers
- International Justice Monitor
- International Criminal Court

International Crime

International Human Rights

Inquiry on Crimes against Humanity in North Korean Detention Centres, 2022

Kirsty appeared as counsel before the International Bar Association's Inquiry into Crimes against Humanity in North Korean Detention System. The judicial panel comprised Navi Pillay, Silvia Fernandez, Silvia Cartwright and Wolfgang Schomburg. The work of the inquiry has drawn significant

attention from the United Nations Office of the High Commissioner for Human Rights, with whom Kirsty is now working to assist their work on the human rights situation in North Korea.

Read more:

- Forbes
- IBA

DPRK, December 2016

IBA Kirsty appeared as counsel alongside Steven Kay KC before the International Bar Association's Inquiry into Crimes against Humanity in North Korean Political Prisons. The judicial panel comprised Navi Pillay, Thomas Buergenthal, and Mark Harmon. This innovative mechanism presents a new model for seeking accountability for the gravest crimes, even in situations of international political deadlock. The Bar Council generously awarded Kirsty a financial grant to enable her to participate in these proceedings pro bono.

International Human Rights

Public International Law

Ongoing

Advising on emergent issues of public international law, humanitarian law, and working with colleagues across relevant governmental and parliamentary offices to respond as effectively as possible to crises abroad. This work is strictly confidential.

Kirsty was invited to work with the FCDO on the basis of her demonstrated expertise in international law, and is able to complement this with her extensive ground experience, academic work, and training in public policy development to provide cutting edge advice under the most pressing circumstances.

Public International Law

Rape and Sexual Offences

R v T, May 2017

Junior counsel in the successful defence of a Senior British Officer accused of the rape of an United States officer in Africa. The case was the first Court Martial to be heard on both sides of the Atlantic, while evidence was taken from almost every continent. Described as an 'exceptionally complex global investigation,' the case involved the FBI, the RMP and other law enforcement agencies, and

required understanding of foreign legal systems as well as that of the United Nations.

Court Martial

Rape and Sexual Offences

Achievements

Appointment

- Public International Law Panel to the Crown

Memberships

- International Bar Association, War Crimes Committee (Vice-Chair)
- ICC List of Counsel
- Criminal Bar Association
- Human Rights Lawyers Association
- Association of Military Court Advocates
- Peace and Justice Initiative
- Human Rights Watch London Network
- ECCC List of Legal Consultants

Publications

- Legal Aspects of Detention in Military Detention, Encyclopaedia of Forensic and Legal Medicine, 2nd Edition, Elsevier (2015)

Education

- University of Oxford - Master of Public Policy - Distinction
- Buchanan Prize for Outstanding Achievement on the BVC
- Lincoln’s Inn Lord Denning Scholarship
- BVC, College of Law, 2010 (Outstanding)
- GDL, College of Law, 2009 (Commendation)
- MSc Social Anthropology, University of Edinburgh 2007 (Distinction)
- BA (Hons) Philosophy, University College London 2006

Recognition

"Kirsty is immensely knowledgeable in International Criminal Law. Her work is incredibly detailed and absolutely meets to needs of the clients." **Chambers and Partners, 2027**

"Kirsty is amazing - highly experienced with brilliant judgement; she is very well respected in court and tribunals." **Chambers and Partners, 2027**

"Kirsty's ability to cut through the noise and deliver solutions to the heart of the problem marks her out as head and shoulders above her peers." **Chambers and Partners, 2027**

"Kirsty is a lawyer of very considerable intellect and demonstrates that through forceful, but measured, advocacy. She has a very well-deserved reputation for being a leader in the field at the junior bar, so much so that her advice is sought by FCDO legal advisors, who are also experts in the field." **Legal 500, 2027**

"Excellent research skills and keeps up to date with academic developments." **Legal 500, 2026**

"Knowledge base exceptional. Excellent research. Experience of private and government sectors. Hardworking." **Legal 500, 2025**

"Kirsty is an exceptionally bright and hard-working advocate, with extensive experience in international and domestic courts." **Chambers and Partners, 2025**

"Rigorous in her approach, she's really great and has tons of experience." **Chambers and Partners, 2024**

"Kirsty is an experienced, hard-working and thorough counsel who prepares cases meticulously." **Legal 500, 2024**

"When she speaks in court, the judges listen carefully to what she says. She brings something that is more academic than is traditional and that makes for very powerful submissions." **Chambers and Partners, 2024**

"Kirsty is an accomplished advocate at the international level who can easily digest complex information and present it in a way that benefits the client." **Chambers and Partners, 2023**

"She is extremely reliable, diligent and a pleasure to work with." **Chambers and Partners, 2023**

Activities and Interests

- Lecturer on international law
- Visiting Fellow of Practice with the University of Oxford’s Institute for Ethics, Law and Armed Conflict.