

CV: George C. Gebbie, Advocate

Professional Qualifications

2017: Certificate in Regulatory Law and Practice; University of Aberdeen

2006 to Date: Member of the List Counsel of the International Criminal Court

1987 to Date: Member of the Faculty of Advocates (Scottish Bar)

1981 to 1987; Member of the Law Society of Scotland

Positions Currently Held

- European Criminal Bar Association (ECBA) – Coordinator: Expert Witness Project
Responsibilities include advising colleagues across the EU on identifying and using expert, technical testimony
- European Monitoring System (EuroMos) – Reporter
- Fair Trials International (FTI) – Expert Member: Advisory Panel (LEAP)
- New Journal of European Criminal Law – Member of Editorial Board

Languages

- English (fluent – mother tongue)
- French (fluent – sufficient to plead a case before a francophone tribunal)
- Swedish (fluent – second language of family)

Professional Experience

Originally trained and practised as a state prosecutor before becoming a defence lawyer. For many years has been involved in the application of international legal norms in situations and cases both domestically and internationally. He has played a significant role in both cross border and international law cases, as well as cutting edge domestic criminal cases. Has been involved in training colleagues from different jurisdictions and has in turn applied techniques and strategies learned from practitioners from other legal systems. Following his employment as a state prosecutor, throughout his involvement in these areas, including the writing of articles and the provision of training to different professional groups, Mr Gebbie has at all times been a full-time practising criminal lawyer.

Domestic Legal Experience

2007 Represented the Chief Constable of Dumfries and Galloway Police regarding matters that arose in the *Megrahi* appeal relating to the *Lockerbie bombing*.

2006 In *HMA -v- Samuel Anderson (Lord Carloway; Glasgow High Court; unreported)*, successfully defended, as lead counsel, a charge of murder on a *plea of necessity*. This case involved the application of jurisprudence from the International Court of Justice to Scots law. It was the first such case in the United Kingdom.

2004, Successfully overturned the conviction in a mass murder case known as the “Ice Cream Wars” (*Campbell and Steele -v- HMA (2004) SCCR 220*). This case was one of the most significant miscarriages of justice in Scottish legal history. The appellants were released, having served almost twenty years in prison after they were wrongfully convicted. The success of this appeal, where two previous appeals had failed, was due to a combination of elements. These included the presentation of new scientific

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research that changed the international literature on the psychology of memory. That research was allowed as evidence because the Court was persuaded to change its approach regarding the admissibility of such material. This seismic change in Scots legal thinking was based upon arguments presented by Mr Gebbie that were derived from foreign jurisprudence, identified and adapted by him to progress the case in hand.

2001 In *Dickson v HM Advocate* 2001 JC 203, which was heard by a court of five judges, the appellant was detained under sections 24 and 25 of the Criminal Law (Consolidation) (Scotland) Act 1995, which conferred on customs officers the same powers as those given to the police by sections 2 and 3 of the Criminal Justice (Scotland) Act 1980. She made repeated requests during her interview to have a solicitor present, but this was refused. Mr Gebbie submitted that the right to have a solicitor present was implicit in the right to a fair trial under article 6(1) of the Convention where such a request was made. Although unsuccessful at that hearing, his approach was approved by the Supreme Court of The United Kingdom in the case of *Cadder -v- HMA* [2010] UKSC 43.

2000 Acted as counsel and team leader in the first joint international legal team to present an appeal before the High Court in the case of *Hoekstra* (2000) JC 387, where Dutch appellants were represented by lawyers from both Scotland and The Netherlands. Responsibilities discharged in this case included:-

- Strategic planning
- Task setting and delegation
- Comparative legal analysis and support for Dutch counsel in presenting their submissions in a foreign legal environment
- Liaison with Dutch diplomatic corps representatives

1988 Ten years before the incorporation of the European Convention on Human Rights into the domestic law of the United Kingdom, was already promoting the application of its internationally recognised legal norms in the case of *Ralston -v-HMA* (1988) SCCR 590. At that time, it required confidence and courage to present such an argument based upon this forward looking approach, which was later vindicated by subsequent legal developments.

ICC Experience

2011 Drafted the European Criminal Bar Association response to the invitation from the International Criminal Court for input concerning The Review of The Regulations of the ICC.

2007 Presented lecture at UN conference organised in Berlin:-
“The ICC at Work: Challenges and Successes in the Fights against Impunity”

2006 Mr Gebbie acted as counsel for victim *a105* in the opening stages of the first case before The International Criminal Court; *The Prosecutor -v- Thomas Lubanga Dyilo*.

That same year, Mr Gebbie became the English language interlocutor, appointed by Members of the List Counsel of the ICC to represent their interests both with the Court and the Assembly of States Parties. This role saw him collaborating with the French language interlocutor, the Registry, NGO's and diplomats from the ASP to advance the interests of the Court and its development. In 2007, after helping to set up the List Counsel Association, Mr Gebbie demitted office along with his fellow interlocutor to allow other colleagues from elsewhere to take matters forward.

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Other International Experience

2013-2014 Member of the ECBA Working Group that formulated its response to the European Commission's Proposal for a Directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings.

2011 Advised relatives in the case of Arno Immelman; a young South African, who had been imprisoned without charge for several weeks in Laos. Mr Immelman has now been released.

2009 Lectured, as part of a UN program organised by the Deutsche Gesellschaft für die Vereinten Nationen- Landesverband Nordrhein-Westfalen e. V., at the University of Munster on- "The UN Blacklist and the Rights of the Accused".

2008 Presented on behalf of ECBA, concerning the cross border transfer of evidence within the EU, to the conference that was the final stage of a two-year project funded by the European Commission. This project involved The Law Society of England and Wales working in co-operation with the Bar Associations of Finland, Denmark, Italy and Slovakia.

2005 in the *Affaire: Beauthier* ; represented one of the lawyers who had acted for one of the surviving victims in the Marc Dutroux case in Belgium. This was concerning a matter arising from the conviction, through that counsel's efforts, of one of the accused in that case. The pleadings, both oral and written, were entirely in French. In this matter Mr Gebbie worked alongside distinguished lawyers from Belgium and from across the European Union.

2004 Series of lectures: Lectured to the Swedish *Rikskriminalpolis* on cross-examination techniques and court-craft in an adversarial environment. These presentations were entirely in Swedish. Similar training was provided, in English, to the German association of International Criminal Defence Lawyers (ICDL). The purpose of these lectures was the enhancement of the recipients' skills base and capacity building within their organisations.

1999 Presented at the Second World Conference on New Trends in Criminal Investigation and Evidence at Amsterdam

1997 Name is added to the List of Counsel for the defence of indigents appearing before the International Criminal Tribunal for the former Yugoslavia.

1995 Attended First World Conference on New Trends in Criminal Investigation and Evidence at The Hague.

Publications

New Journal of European Criminal Law: Special Edition **2009**, page 11 - 16
"Conflict of European Jurisdiction – A Matter of Concurrence"

Journal of European Criminal Law: **2007** Vol.1 Issue 3 p.31-37
""Berlusconi" v. "Pupino": Conflict or Compatibility?" This paper now forms part of the EUR-Lex doctrine on the "Berlusconi" case

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European Journal of Crime, Criminal Law and Criminal Justice:

10 EUR. J. CRIME CRIM. L. & CRIM. JUST. 253, 264 (2002): -

““Trial within a trial” in Scotland and Israel.”

7 Eur. J. Crime Crim. L. & Crim Just. 262 (1999): -

““Not Proven” as a juridical concept in Scotland, Norway and Italy.”