

Words in memory of Scott Crosby

There is a common theme emerging in these speeches!

To which I can only add

I had the privilege to work closely with Scott in the last couple of years.

He had asked me to help out with a case as he was busy – NJECL, Turkey, Brexit etc.

The essence of it was this: is a person extradited for one offence, who is then suddenly detained for another, in a situation of arbitrary detention?

The answer to that question must be yes, but the principle is not well enshrined in the human rights courts' case-law

Initially I thought – ok, this is ambitious

But I soon realised the reason it is absent from the case-law only because not enough people have tried it.

Scott was trying.

And that was unsurprising.

English law is full of pragmatism

My Scottish colleague was purist, uncompromising, and driven by the principle that the law should always uphold the dignity of the individual in conflict with the state

Working with him, his belief rubbed off on you and it motivated you, made you a better lawyer

Many people will have had that experience

I remember chatting with Scott at a previous one of these conferences, about the point when he recently formalised his commitment to Belgium and the Brussels bar

You'll know that Scott was an advocate from Scotland.

He worked for many years on the "E" list of registered European lawyers of the Brussels bar.

Some time after the UK voted to leave the European Union, he became an out and out Brussels lawyer, and took Belgian citizenship.

He told of the ceremony when he was sworn in at the Brussels bar after all those years.

Of course, he was the most senior lawyer there.

There were many young lawyers there starting out their careers, perhaps a little impressed by the occasion

In turn each of them stood before the judges as their turn came and take their oath to their new vocation

"Je le jure" – I swear it

Then it came to Scott, a man who has resisted international sanctions in the European courts

He said he had to show them how it was done in a real courtroom voice, so he really hurled it out with gusto

"JE LE JURE!"

He said he saw caught a knowing look from the presiding judge, who could see and appreciated what he was doing

Scott never said this, but I feel sure that the newbies who came after him will have sought to emulate him and made themselves heard at the back of that room

For me this speaks to who Scott was:

Full of purpose, leading by example

Speaking the languages of Europe

Showing the way to fellow professionals

Re-affirming his commitment to the rule of law at a worrying point in European history

Achieving great impact in just a few words – as anyone who ever received an email from him knows was his way

But, as always, doing so with a sense of humour and a smile on his face

Those of us on the Human Rights Committee of this association know very well that is who he was

We saw how, to the very last days of his life, he was proposing new initiatives and taking forward the battles he had started as the first ever Human Rights Officer

The protection of lawyers in Turkey

Challenging the full-frontal attack on human rights which is to come in the UK

Establishing the specialty principle in extradition as an individual right

So, as Alexis takes our committee forward

To Scott's family, those of us in that committee and in the ECBA can all say it too:

Je le jure – we undertake to carry on what he started

Alex Tinsley

12/09/2020