



Year of Call

2017

Devil Masters

Bryan Heaney
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LinkedIn Profile

Practice Profile

Simon has built up a busy and varied practice since calling to the Bar. He has extensive experience of litigating and advising on human rights issues both at home and abroad.

He has a strong interest in public law. He is regularly instructed in prison, housing, immigration, criminal injuries compensation and equality law cases. Simon recently argued the first appeal of its kind under the Freedom of Information (Scotland) Act 2002 before the Inner House of the Court of Session.

Simon is regularly instructed in Inquiries. He recently represented a care home in a Fatal Accident Inquiry that examined the provision of care and the discharge procedures between the NHS and a care provider following the death of an elderly resident. He successfully represented as junior counsel the local opposition group "Not Coul" in the Coul Links Inquiry on planning permission for a proposed golf course on an area of environmentally protected coast land in the Highlands. Ultimately, Scottish Ministers refused to grant planning permission for the golf course.

He is also instructed in a wide range of reparation cases involving personal injury, product liability, employers' liability, clinical negligence and professional negligence. He appears both for pursuers and defenders. He also advises on property law and on matters relating to the Digital Economy Act 2017 and Electronic Communications Code.

Simon trained as a solicitor with the Crown Office and Procurator Fiscal Service (COPFS). While working as a procurator fiscal depute in the Highlands, he prosecuted hundreds of criminal cases and was also the sitting manager for the High Court. He continues to receive instructions in criminal cases both at first instance and appeal.

Between 2012 and 2016, he worked in conflict zones in Colombia. He provided training to local lawyers, students and victims on international justice and contributed to a number of legal publications. He also undertook advocacy work before the Colombian Constitutional Court, United Nations, and the Office of the Prosecutor of the International Criminal Court in the Hague and New

York. He continues to advise on issues of international law and transitional justice.

He is a fluent Spanish speaker.

Education & Professional Career to Date

Called to the Bar, 2017

Head of Mission, Lawyers without Borders Canada, Colombia, 2015

Legal Adviser, Lawyers without Borders Canada, Colombia, 2013

Human Rights Field Observer, Peace Brigades International, Colombia, 2012

Procurator Fiscal Depute, Crown Office and Procurator Fiscal Service, 2010

Trainee Solicitor, Crown Office and Procurator Fiscal Service, 2008

Legal Intern, Center for Justice and International Law, Costa Rica, 2005

Dip LP, Glasgow Graduate School of Law, 2008

Diploma in Conflict Studies, University Complutense, Madrid, Spain, 2007

Magister Specialisation in International Law and International Relations, University Complutense, Madrid, Spain, 2006

LLB (Hons), Law & Spanish, University of Strathclyde, 2004

Erasmus Programme, Public University of Navarra, Pamplona, Spain, 2003

Appointments

- Member of the Equality & Human Rights Commission Panel of Counsel (2019–present)
- Junior Counsel, First Tier Tribunal (Immigration and Asylum), Office of the Advocate General (2018–present)
- Volunteer, Justice, London (2018–present)
- Member of Human Rights and Rule of Law Committee, Faculty of Advocates (2017–present)
- Volunteer, Peace Brigades International, London

Selected Cases

- **Coul Links Inquiry**
Planning Inquiry into proposed 18 hole golf course at Coul Links, NA-HLD-086 . Junior to John Campbell QC representing local community group "Not Coul" in opposition to proposed golf course on environmental and socio-economic grounds. Four week inquiry. Scottish Ministers refused the application.
- **Fatal Accident Inquiry into the death of Christina Anne Wilson, [2019] FAI 1**
Represented a care home provider in a Fatal Accident Inquiry heard at Inverness Sheriff Court
- **William Beggs. v. The Scottish Information Commissioner, [2018] CSIH 80**
The first appeal of its kind before the Inner House on the interpretation of 'vexatiousness' as contained in the Freedom of Information (Scotland) Act 2002.
- **HMA v. Connor Ward, High Court of Justiciary, 2018**
Junior to Richard Goddard QC in the successful prosecution of an Accused for terrorism

offences under section 5 of the Terrorism Act 2006 and section 58 of the Terrorism Act 2000.

- **Amicus Curiae before the Constitutional Court of Colombia**

In respect of Constitutional Reform 01 of 2015 on Military Justice (Spanish), Lawyers without Borders Canada, July 2015.

- **Amicus Curiae before the Superior Tribunal of Santander, Colombia**

Appeal against conviction of human rights defender David Ravelo Crespo. Bar Human Rights Committee of England and Wales, September 2013. Worked under Kirsty Brimelow QC.

- **HMA v Strachan & Others [2010] HCJAC 70**

Worked under Dorothy Bain QC in the successful prosecution of the UK's largest paedophile ring.

Areas of Practice

- Clinical and Professional Negligence
- Crime
- Personal Injury
- Public and Fatal Accident Inquiries
- Public Law

Publications & Seminars

Prison Law, Glasgow Bar Association Criminal Day Conference, 26 October 2018

International perspective on the right to rehabilitation, Arnot Manderson Advocates Annual Conference, Edinburgh, March 2018

Commission and Diligence and the Right to Privacy: None of Our Business?, Arnot Manderson Advocates Annual Conference, Edinburgh, September 2017

Better the Devil You Know: Eight Trends in Human Rights (and One Non Trend), Arnot Manderson Advocates, Edinburgh, September 2017

Victims' Rights and Complementarity: Paving the Way Towards transition in Colombia, Uganda and the Central African Republic, Assembly of State Parties to the Rome Statute, World Forum, The Hague, Netherlands, Nov 2016.

Perspectives of a Scottish Human Rights Lawyer in Colombia, Faculty of Advocates, Edinburgh, Feb 2016.

Complementarity: The Situation Relating to International Crimes and Sexual Violence in Colombia, Assembly of State Parties to the Rome Statute, World Forum, The Hague, Netherlands, Nov 2015.

A Look at Enforced Displacement: Criminal Prosecutions, Organised Power Structures and Land Restitution in the Colombian Context, International forum on enforced displacement, Los Andes University, Bogot , Colombia, Sep 2015.

International Criminal Law Moot Court Competition, Industrial University of Santander, Bucaramanga, Colombia, Apr-Jun 2015.

Sentencing Options in the Colombian Peace Process, International Forum on transitional justice, Industrial University of Santander, Bucaramanga, Colombia, Feb 2015.

Simon has written in a number of legal publications:-

Peace Negotiations: Observations on the Partial Agreements on Victims in Colombia, (Spanish). Lawyers Without Borders Canada, July 2016.

A Case Study on Complementarity: Impunity Mechanisms in Colombian Justice (Spanish). Lawyers Without Borders Canada. April 2016.

Contributions of Justice and Peace Decisions on Women's Rights (Spanish). Lawyers Without Borders Canada. December 2015.

A Look at Enforced Displacement: Criminal Prosecutions, Organised Power Structures and Land Restitution in the Colombian Context (Spanish). Lawyers Without Borders Canada. September 2015.

Peace with Transitional Justice: Contributions for Colombia from International Law (Spanish). Lawyers without Borders Canada. December 2014.

Additional Information

Fluent Spanish speaker.

Faculty of Advocates Scholarship, 2016.

Crown Office and Procurator Fiscal Service Excellence Award 2010; Fighting serious crime.