



Sebastian Elgueta

YEAR OF CALL: 2014

Sebastian practises primarily in civil law, particularly housing, homelessness and property law. He appears frequently in the High Court and County Court in complex trials and appeals. His advisory work is much in demand and noted for its strong litigation strategy element. He also has a growing international human rights practice.

If you would like to get in touch with Sebastian please contact the clerking team:

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HOUSING LAW

Sebastian has a wide range of experience in housing matters. He has acted for tenants and mortgagors in possession proceedings focussed on arrears, anti-social behaviour, succession, "parting with possession" and unlawful eviction, amongst other areas.

Sebastian has a growing homelessness appeals practice and experience of allocation matters. He frequently acts in judicial reviews against local authorities.

There is ample crossover with mental health, family and discrimination law in Sebastian's cases, and he is regularly instructed to represent vulnerable clients. He has been noted for his ability to explain law and procedure in plain language and provide an understanding environment for clients under stress.

NOTABLE CASES

***Southwark LBC v Ibidun* 19 October 2017.** The High Court found that the Circuit Judge at trial had not applied *Islington LBC v Boyle* [2011] EWCA Civ 1450 and dismissed the local authority's appeal as no more than a disagreement with the facts.

***R (Hakima Alemi) v Westminster City Council* [2015] EWHC 1765 (Admin)**

As a pupil, Sebastian assisted Tim Baldwin (led by Jan Luba QC). The local authority's denial of bidding rights for the first 12 months to those to whom it accepted a homelessness duty was found to be unlawful.

PROPERTY DISPUTES

Sebastian often advises and represents clients in housing and property-related areas such as leasehold disputes between businesses and claims brought by local authorities seeking to rescind "right-to-buy" conveyances, amongst other areas.

He has also advised and represented individuals and commercial clients in contractual disputes.

INTERNATIONAL HUMAN RIGHTS

Sebastian has in-depth expertise in human rights, rule of law and administration of justice issues in Central America and of international human rights mechanisms, recently completing consultancies for the International Legal Assistance Consortium in its [Rule of Law Assessment Report on Guatemala](#) and the UK Government's Stabilisation Unit report [Elite Bargains and Political Deals](#) (Guatemala Case Study).

Sebastian has worked on reports for various international human rights bodies, including the Human Rights Council, Universal Periodic Review and international treaty bodies including the Human Rights Committee, Committee on Economic, Social and Cultural Rights, Committee on the Elimination of Racial Discrimination, Committee on the Elimination of Discrimination against Women, Committee against Torture, Committee on the Rights of the Child, Committee on Enforced Disappearances.

Sebastian also has in-depth field experience of human rights research having designed (methodology and security) and led research missions to Guatemala over many years, investigating issues ranging from corporate accountability of mining companies to police death squads.

BACKGROUND

Sebastian completed his pupillage at Garden Court Chambers under the supervision of Maya Sikand, Tim Baldwin, Marc Willers QC and Edward Fitzpatrick.

Prior to coming to the Bar, Sebastian worked at the International Secretariat of Amnesty International as a

researcher focussing on Guatemala, Panama and Costa Rica. He worked on numerous issues including researching evictions of rural indigenous communities, genocide and war crimes committed during the civil war, corporate accountability (mostly mining companies), violence against women and extrajudicial executions. His work included advocacy with governments, UN treaty bodies and representing the organisation in the media.[Publications]'A Human Rights Murder Mystery in Guatemala: Alternative Formats for Reporting on Complex Challenges to Human Rights'. *Journal of Human Rights Practice* [2010] 3 408-421.

AWARDS

Middle Temple, Winston Churchill award (2011)

EDUCATION

- Bar Professional Training Course, BPP (2014)
- LLB Law (Hons), Birkbeck College (2011)
- MSc History of International Relations, London School of Economics (2003)
- BSc (Hons) Economics and Geography, University College London (1998)

PROFESSIONAL MEMBERSHIP

- Housing Law Practitioners Association
- Administrative Law Bar Association
- Bar Human Rights Committee
- Bar Pro Bono Unit

LANGUAGES

- Spanish (fluent)

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