

Helen Malcolm QC



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QC: 2006

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Helen Malcolm QC



Details of practice

A specialist in international criminal law, particularly in the areas of corporate fraud, corruption and extradition. Acts both for and against the Serious Fraud Office, the Financial Conduct Authority and the Crown Prosecution Service in criminal and regulatory matters; and for the Revenue in international tax enquiries and tribunal hearings. Regularly involved in prosecuting and defending cases of international fraud, bribery and corruption, money laundering and computer crime. Recent work includes sanctions enquiries.

Advises witnesses, victims and prosecuting authorities as to confiscation, compensation and asset recovery. Obtained one of the UK's largest compensation orders (£21m) for victim of fraud. Has advised extensively on mutual legal assistance and the seeking of evidence and assets overseas. Acts for defendants and owners of assets the subject of attempted seizure by the authorities.

Expert in extradition cases, especially involving transnational financial crime. Was counsel for Augusto Pinochet in Spain's request for his extradition, and undertook the first European Arrest Warrant case in the UK. Lectures on extradition to those in the corporate and financial worlds.

Trains advocates abroad in human rights for the Council of Europe, and teaches advocacy in this country and internationally. Attends European Commission Experts' Meetings as the Bar Council's representative in criminal matters. Assists and advises the Bar Council in relation to amendments to criminal law proposed by the European Commission. Is the UK's representative on the CCBE Criminal Law Committee and is Vice President of the European Criminal Law Association.

Has taught criminal law at Oxford University 2013-2016, and been for many years an Archbold Editor in corporate crime.

Trained in commercial mediation and international arbitration.

Directory recommendations

"A lawyer with a sharp brain and the determination to seek out every decent point in a case. She really fights for her clients." **Chambers UK 2020: Financial Crime**

"My heart sank when I saw she was my opponent because the courts trust her, listen to her, and she knows exactly which buttons to press. She is brilliant at what she does." **Chambers UK 2020: Extradition**

"Obviously superb, she has a huge wealth of European law knowledge and a lovely personable manner. She is forensic in her focus on the issues in a case." **Chambers UK 2020: Extradition**

'A silk with class.' **The Legal 500 2020: International Crime and Extradition**

"Advises with great clarity, has a reassuring manner and is very impressive."

"A hard-working and industrious silk, who really gets stuck in. Clients like her as she takes command of a case from the off." **Chambers UK 2019: Extradition**

'A hardworking and efficient barrister who is eloquent in court.' **The Legal 500 2019**

"She is a real class act who is increasingly busy, prosecuting as much as defending."

"Impressive and a pleasure to work with." **Chambers UK 2018: Financial Crime**

"She is really top drawer and a very engaging speaker."

"Responsive, personable, and someone with good client skills, she is at her very best in appellate proceedings." "So commanding and fantastically clever." **Chambers UK 2018: Extradition**

"Solicitors praise her for her attention to detail and client care". **The Legal 500 2017: Fraud**

A heavyweight extradition practitioner, who provides outstanding advocacy and really good strategic advice". **The Legal 500 2017: International Crime and Extradition**

'Extremely clever and extremely hard working, she instils considerable confidence in clients.'

"She comes into her own for appellate proceedings, is pleasant to work with and responsive. 'When complex issues are to be addressed, she stands out as a result of her great intelligence.' **Chambers UK 2017: Financial Crime**

'She combines her mastery of extradition with her capabilities in fraud law.'
'She has great gravitas and commands a lot of respect from other counsel and the court.'
'The most hard-working QC and just so dependable, she is absolutely the safest set of hands you could ever want and very clever.' **Chambers UK 2017: Extradition**

Education/professional qualifications

Oriental Studies (Persian with Arabic), Oxford University, 1983
Diploma in Law, 1985, Called to the Bar 1986
Pegasus Scholar, Washington DC, USA 1990

Appointments

Queen's Counsel 2006
Deputy High Court Judge assigned to the Administrative Court, April 2013
Recorder of the Crown Court 2005
Tutor in Criminal Law, Oxford University 2013 - 2016
Bencher, Gray's Inn 2011
Chair of Election Information Committee of Gray's Inn
Trustee of Gray's Inn Charitable Trust
Trustee of St Columba, Poltalloch
Special independent counsel (PII) 2003 -
Special Advocate 2009 -
Attorney General's A List of Prosecutors 2002 -
Re-appointed to the SFO Prosecution List 2013
Appointed to the Foreign Office Pro Bono Advisory Panel October 2001 - 2007
UK Representative on Criminal Law Committee of CCBE 2013
Vice Chair of EU Law Committee of the Bar Council 2012-13
Chair of EU Criminal Law Sub-Committee 2012-13
Vice President of the European Criminal Law Association 2013
Directions Judge for Bar Standards Board

Publications

General Editor, *International Criminal Law Reports* From set-up to 2004
Practitioner Editor, *Archbold Criminal Pleading, Evidence and Practice*, chapter 30 on Commerce, Financial Markets and Insolvency 1995-2013
Author of the chapter on extradition in *Fraud: Law Practice and Procedure*, Butterworths 2004
Lecturer and sometime examiner, Inns of Court and Bar Educational Trust
Has appeared on television and radio as an extradition expert, France and UK
Has lectured internationally on transnational criminal and environmental law, Bribery Act 2010, corruption, terrorism and human rights - Delhi, Hyderabad, Brussels, Turkey, Dublin, Paris, Slovenia, Oman, United Arab Emirates
Has devised and run training sessions in interview techniques for regulatory bodies
Has trained CPS, SFO and others on the Extradition Act 2003

Other information

Training prosecutors and judges in counter terrorism trial, Kosovo, September 2019
UN Consultant: training senior Nigerian Judiciary, Nov 2017
Advocacy Trainer, ICTY, The Hague Oct 2002, Mar 2004, June 2007, Jan 2010, Mar 2011
Advocacy Trainer, International Criminal Court, The Hague October 2007
Advocacy Trainer, Gray's Inn (ongoing)
Faculty Member, South Eastern Circuit Advanced International Residential Advocacy Course, Keble College, Oxford 2003-06
Vice President of the European Criminal Law Association (UK), and member of the European Criminal Bar Association
UK representative on the Criminal Law Committee of the CCBE
Member of the Criminal Bar Association
Member of the Commercial Bar Association
Member of the Bar Council's European Committee, and of the Bar European Group

Mediation

Accredited CEDR mediator March 2007

Arbitration

Trained in international arbitration, Chartered Institute of Arbitrators, 2011

Direct access

Helen Malcolm QC is qualified to accept instructions direct from clients under the Bar Council's Public Access Scheme. This means that members of the public who seek specialist advice can come direct to her. In addition, she welcomes instructions from solicitors, in-house law departments, qualified foreign lawyers, and clients licensed by the Bar Council to give instructions direct to barristers under the Bar Council's Licensed Access Scheme.

For further information please contact our Clerks.

Notable cases

SFO

Acting for SFO in corruption enquiry

AR

Acting for alleged offenders in multi million Proceeds of Crime mutual assistance request

Rwanda v M (2013-16)

Acting for requested person in relation to allegation of genocide in Rwanda in 1994

R (2016)

Extradition request from Indonesia, alleging corruption and money laundering charges

BSCR v SFO and SSHD (2014-15)

Acted for SFO in litigation regarding international mutual assistance in case alleging corruption in granting of mining licences in West Africa

Kenya v D (2014-16)

Acted for Republic of Kenya in extradition proceedings relating to £50m petroleum fraud

Regina v MG (2012-16)

Defending in £100m tax fraud, relating to carbon emissions under Kyoto Agreement

R v S (2015-16)

Defended senior police officer in allegations of fraud and FSMA offences

R v S (2013-16)

Defended in money laundering and corruption case involving EBRD

'Operation Lumpfish' (2012)

Prosecuted a London based cybercrime gang that was running a fraudulent music sales website

FM (2012)

Prosecuted conman who used stolen credit cards to book luxury holidays

HMRC v A (2012)

Judicially reviewed the issue of search warrants in tax investigation by HMRC

Macmillan Publishers Ltd (2011)

Acted for SFO in corruption enquiry ending in SFO's largest civil recovery order

C (2011)

Acted as Special Counsel on behalf of the Attorney General

R v SF (2011)

Defended in alleged £4.5 million tax evasion fraud

HMRC v Red 12 (2008-2010)

Acted for HMRC in MTIC fraud in VAT Tribunal, Chancery Division and Court of Appeal (Civil Division), now a leading case

HMRC v Alpatronics (2011)

Acted for HMRC in MTIC case listed before Tax Tribunal

R v KF (2009)

Acted for SFO in £35 million fraud following FSA intervention and bankruptcy

R v GS (2007)

Acted for RBS International in obtaining £21 million compensation order for victim of fraud.