

Rachel Barnes



Call: 2004

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Details of practice

Rachel is recognised as a leading practitioner in Financial and Corporate Crime, Fraud, Extradition and international law. Ranked in both Chambers UK and The Legal 500, Rachel has been described as a 'rising star', 'a hotly tipped individual' and noted for her meticulous attention to detail, case preparation and her 'persuasive advocacy style'.

Rachel is a dual-qualified US attorney and English barrister who began practice in New York in 1999. As well as criminal cases, Rachel acts in public law and civil cases with criminal justice and public international law elements. Rachel is a member of the Attorney General's specialist panel of Public International Law Junior Counsel to the Crown and the SFO's A panels of prosecuting and POCA counsel.

Known for her expertise in international economic and trade sanctions, Rachel is listed by World ECR as a specialist practitioner in sanctions law. She regularly advises and represents national and international companies and individuals in this area and on cross border and jurisdictional and state immunities matters more generally. A substantial portion of this work is pre-charge and confidential.

Crime:

- Complex commercial fraud
- Sanctions busting
- Corruption
- Money laundering
- Asset restraint and confiscation, including foreign requests
- Transnational crimes and offences under EU laws
- Other serious crime including murder, torture, misconduct in public office
- State immunities and jurisdictional matters more generally

Extradition & MLA (mutual legal assistance):

- Represents Governments, judicial authorities, requested persons and NGOs
- War crimes, terrorism, murder and other serious offences
- Organised crime
- Corruption and fraud

Civil, public law and inquests:

- Civil fraud
- Criminal justice and extradition related judicial reviews
- Private and public law claims with criminal justice and/or international law aspects
- Challenging police searches and seizures
- Inquests, including deaths in custody cases

International, foreign and EU laws:

- International economic sanctions regimes and export controls
- International organisations (eg, UN Security Council sanctions committees, UN Ombudsperson, Interpol, Europol and Eurojust)
- Civil cases concerning public international law
- International criminal tribunals

Directory recommendations

A criminal law specialist with an extremely strong extradition practice.

"She's got a very good all-round grasp of crime and public law." **Chambers UK 2019: Extradition**

An accomplished junior whose international crime and fraud practice is complemented by her expertise in extradition.

"She's inexhaustible, has a very good legal brain and is always so well prepared." "She is a first-rate advocate who is hard-working and has great client skills."

Chambers UK 2019: Financial Crime, Financial Crime: Corporates.

'Good with detailed analysis and legal research.'

The Legal 500 2019: International Crime and Extradition, Business & Regulatory Crime

Rachel is recommended by Chambers UK and The Legal 500 in: Financial Crime; Financial Crime (Corporates); Business and Regulatory Crime; Fraud (Crime); International Crime and Extradition

Chambers UK 2018: Financial Crime and Financial Crime (Corporates)

'An accomplished junior whose international crime and fraud practice is complemented by her expertise in extradition.

"She is absolutely excellent technically, works like a Trojan, is always responsive and sensible, has an extremely good analytical brain and is very knowledgeable."

"One of the best navigators of the complex financial and trade sanctions regime."

'Her US qualifications and experience put her head and shoulders above her peers in this area.'

The Legal 500 2017: Fraud (Crime)

In the American piece of the sanctions puzzle that most London counsel cannot fill, she can.'

The Legal 500 2017: Business and Regulatory Crime

'An "excellent" criminal law specialist with an extremely strong extradition practice. "Very smart and hard-working."' **Chambers UK 2018: Extradition**

'Exceptional overall: very user-friendly with excellent technical knowledge.' **The Legal 500 2017: International Crime and Extradition**

'A very thorough barrister who ensures she's really researched the issues before giving advice. Her work is very well written, well structured and well referenced.' **Chambers UK 2017: Financial Crime**

'Very strong, very detailed on the case and very good with clients who may be extremely stressed.' **Chambers UK 2017: Financial Crime (Corporates)**

'A trusted adviser in the world of trade and financial sanctions.' **The Legal 500 2016: Business and Regulatory Crime**

'A very special talent – excellent in hard cases, but also kind and sympathetic.' **The Legal 500 2016: Fraud (Crime)**

'Lovely, thorough, very smart, and hard-working.' **Chambers UK 2017: Extradition**

"Fantastic, especially in relation to sanctions work." **Chambers UK 2016: Financial Crime**

Rising star of the junior Bar who has depth of knowledge in international criminal law and is applauded for her skill in handling extradition matters related to death penalty sentences. The quality of her case preparation was praised, as was her persuasive advocacy style. "She is an academic-style lawyer who has a fantastic understanding of international law." "She is very, very hard-working and comes up with amazing stuff." **Chambers UK 2016: Extradition**

'A tenacious and committed barrister with an attention to detail.' **The Legal 500 2015: Business & Regulatory Crime**

'She is tenacious, committed and has an attention to detail rarely seen equalled.' **The Legal 500 2015: Fraud Crime**

'She is very clever and very thorough.' 'She is bright, phenomenally hard-working and the ideal junior for fraud.' **Chambers UK 2015: Financial Crime**

'Everything she does is absolutely meticulous, and she really is someone you want to have on your side.' 'She knows more about the case than anyone else and has all of the facts at her fingertips.' 'She has a super brain, is really smart and is also very strategic.' **Chambers UK 2015: Extradition**

"Highly knowledgeable in extradition and mutual assistance, she often handles serious cases, including those relating to terrorism." "She is extremely bright and produces excellent written work." **Chambers UK 2014: Extradition**

"Has carved out a niche fraud practice at the juncture of civil and criminal litigation. Instructing solicitors particularly value her knowledge of international law." "A star of the future." **Chambers UK 2014: Fraud**

In addition to being an English barrister Rachel Barnes is also a qualified US attorney who began practising in New York. She is a hotly tipped individual, especially on the extradition front, and has a criminal practice where international law, commercial crime and corruption cases all feature heavily. **Chambers UK 2013: Crime**

Education/professional qualifications

BA (Hons) in Law, MA (Cantab)
LLM (Harv)
PhD (Cantab) in International Law
New York Bar Exam 1999, called to the NY Bar 2000
Called to the English Bar 2004
Churchill Scholar, Gray's Inn (1998-1999)
WM Tapp Scholar, Gonville & Caius College, Cambridge (2002-2005)
James Hunt Advocacy Prize, Gray's Inn (2006)

Appointments

Attorney General's Public International Law Counsel to the Crown (B Panel)
SFO Prosecution Counsel and PoCA Counsel (A Panels)
Legal panel member, international Inquiry for the Protection of Children in Armed Conflict
Fair Trials International, Legal Experts Advisory Panel member
Transnational Listing Project, University of Kent (UK) and Roma Tre University (Italy)

Publications

'Denial of Humanitarian Assistance' in Shaheed Fatima QC (lead author), **Protecting Children in Armed Conflict** (forthcoming, Hart Publishing, 2018), available here

'United States Sanctions: Delisting Applications, Judicial Review and Secret Evidence' in Matthew Happold and Paul Eden (eds), **Sanctions and Embargos in International Law** (Hart Publishing: Oxford, 2016), available here

'Economic Warfare: International Sanctions and Global Governance' (forthcoming, Edward Elgar Publishing)

Entry, Search and Seizure in Emmerson QC et al (eds), **'Human Rights and Criminal Justice'** (3rd ed. Sweet & Maxwell, 2012)

The Investigation and Prosecution of Foreign Corruption in the United States, in 'Corruption and Misuse of Public Office', Nicholls et al (2011, 2nd ed, OUP)

Keeping the US at bay: enforcement of US sanctions laws in Europe, *The Lawyer*, 13 November 2007

The Impact of Economic Sanctions, written evidence before the House of Lords Economic Affairs Committee (October 2006)

Terrorist Financing: Challenges for Financial Institutions (July 2002) *World Money Laundering Review*, vol 1 no 7 (Barnes & Newcomb)

Global Responses to Terrorist Financing, (June 2002) *World Money Laundering Review*, vol no 6 (Barnes & Newcomb)

How The US Is Fighting Money Laundering, (Dec 2001) *International Financial Law Review* (Barnes, Elshihabi & Newcomb)

Contributor to Newcomb's **Digest Of Cases And Review Releases Relating To Bribes To Foreign Officials Under The Foreign Corrupt Practices Act**, (2002 ed)

Other information

London School of Economics and Political Science (LSE)
Visiting lecturer: 'The Law of International Economic Sanctions' graduate course (2009 - 2013)

Cambridge University, Supervisor in criminal law (2008-2009)
2008: St. Catherine's College and Newnham College
2009: Girton College

Lloyd's Law Reports: Financial Crime
Consultant editor (2009 - 2014)

Office of the Prosecutor, International Criminal Tribunal for Rwanda (2002)
Consultant: Financial investigations & prosecutions project funded by the Open Society Institute, NY. Reported directly to the Deputy Prosecutor on reform of the financial investigations processes and work practices of the OTP. Other responsibilities included establishing case plans for on-going and future financial investigations and delivering basic training to investigators and legal advisors on financial investigations, banking and international trade, Rwanda's foreign aid receipt and banking sector prior to 1994.

Litigation Attorney, Shearman & Sterling LLP, New York (1999-2002)

Rachel acted as junior counsel in a range of complex and cross-border litigation, including securities and banking fraud, money laundering and asset restraint, and corruption in international business transactions. She undertook internal investigations relating to financial and regulatory crime both in the US and overseas. She also advised corporations on money laundering, corruption and sanctions regulatory compliance and general corporate governance matters.

Notable cases included: Xerox Corporation SEC proceedings re. \$3bn overstatement of revenues (counsel to external auditors); US Senate investigation on money laundering (counsel to international financial institution subject to investigation); internal investigation for major US financial institution into bank fraud, money laundering and corruption in Latin America.

Selected conference and seminar presentations

"Economic Sanctions Litigation and Kill Lists" at Reprieve Kill List Colloquium, Oxford 7 Jan 2017

UN Experts Meeting on FGM and international crimes, London 20 Jan 2017

"US sanctions: delistings, judicial review and secret evidence", British Institute of International and Comparative Law conference 'Sanctions and embargos: international law and contemporary practice', 29 April 2013

"International Economic Sanctions" 2013 Lexis webinar

Listen to Rachel discuss International Economic Sanctions Part One and Part Two with online CPD provider CPDcast (2011)

"Economic Sanctions: Aspects of Risk in Business Transactions", The Legal Implications of Economic Sanctions, 14 July 2011, LexisNexis conference, London

"An Area of Freedom, Security and Justice - Reviewing Extradition Within the EU", 20 January 2011, Chatham House, London (attended by Sir Scott Baker's Extradition Review panel)

"Key points for financial crime in 2011: economic sanctions", 27 January 2011, Anti-Money Laundering Professionals Forum, London

"Economic Sanctions: Law and Compliance", 22 March 2011, Proceeds of Crime and Confiscation Conference, London

"Compliance, credibility and the UN Security Council's targeted sanctions against Al-Qaida and the Taliban", 16 April 2010, International Law Association, British Branch conference, Oxford Brookes University, Oxford

"Terrorist Financing and Financial Sanctions", Corporate Crime: Money laundering and financing terror, 4 March 2010 Lexis webinar

Organisations

South Eastern Circuit; Criminal Bar Association; Bar Council US Group; Extradition Lawyers' Association; Fraud Lawyers' Association; Defence Extradition Lawyers' Forum

Languages

Basic French and Romanian

Direct access

Rachel Barnes 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 Rachel 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

Crime

R v Saunders, Strubel and Steinberg

Contested confiscation proceedings re £78m investment fraud (ongoing)

Re Overseas restraint proceedings (confidential)

Putative restraint proceedings in complex overseas corruption case (ongoing)

Re alleged breaches of arms embargo (confidential)

Advising on potential criminal proceedings (ongoing)

Re. overseas corruption investigation (confidential)

Instructed pre-charge by the prosecuting authority (ongoing)

Re a foreign official (confidential)

Acting pre-charge for a foreign official arrested whilst visiting the UK re allegations of corruption. Issues include immunities from prosecution

Re. alleged breaches of Iran sanctions

Acted for well-known high street company in self reporting to HM Treasury and the NCA (junior counsel) (2016-2017)

Re alleged breaches of Iran export controls

Acted for company in HMRC investigation, resulting in minimal civil financial penalty and no prosecution (2016-2017)

Re potential proceedings for serious international crimes

Retained by foreign Government to advise re potential proceedings against officials for alleged international crimes (junior counsel) (2014-2017)

R v Lama

[2017] QB 1171

Alleged torture during the Nepal civil war, prosecuted in England on the basis of universal jurisdiction (defence junior in interlocutory appeal re immunities)

R v Shanahan (Operation Eleveden)

Central Criminal Court, 2014

Prosecution of *The Sun* journalists for conspiracy to commit misconduct in public office (defence junior)

R v Peterson

Southwark Crown Court, 2014

Fraud re the collapse of the Weaving Fund with US\$600m losses (prosecution junior)

R v Hirst & Ors

[2013] EWCA Crim 359

£10m ponzi scheme operated from Spain (prosecution counsel)

R v Madden

Southwark CC 2013

Fraudulent claims for VAT repayments and Film Tax Credit (defence junior)

R v G & Ors

[2009] EWCA Crim 1207; [2009] Crim LR 738

Series of gang murder trials at the Central Criminal Court and appellate proceedings including an application to retry an acquitted defendant (prosecution junior)

Extradition**France v O (ongoing)**

Acting for the defendant in complex EAW involving operative informant

Bowen v Govt. USA & Secretary of State for the Home Dept

[2016] EWHC 1400 (Admin)

Extradition request for possession of child pornography; issues re indefinite civil detention (junior counsel for the Home Secretary)

Mitchell v Govt USA & Secretary of State for the Home Dept

[2016] EWHC 2649 (Admin)

Sole counsel for the SSHD

Ghana v G

[2014] EWHC 1569 (Admin); [2014] 1 WLR 4464

Extradition request for murder (junior counsel for G)

Pinnick v Spain

[2013] EWHC 1034 (Admin)

Extradition order quashed for defective EAW issued after seizure of yacht containing 50kg liquid cocaine (counsel for P)

Van der Kramer v Belgium

[2013] EWHC 560 (admin)

Conviction in absence (counsel for VDK)

Lithuania v Martuzevicius

[2012] EWHC 4118 (Admin)

Accusation warrant for 22 offences including murders and extortion as leading member of organised crime group (junior counsel for Lithuania)

Clark v USA

[2012] EWHC 957 (Admin)

Child kidnapping; case sent to Secretary of State (counsel for USA)

Serbia v Ganic (2010)

War crimes (junior counsel for Serbia)

Atkinson & Binnington v Cyprus

[2009] EWHC 1579 (Admin)

Convictions in absence (junior counsel for Cyprus)

Murtati v Albania

[2008] EWHC 2856 (Admin)

Convictions in absence (junior counsel for M)

Olah v Czech Republic

[2008] EWHC 2701 (Admin)

Interlocutory applications, statutory appeals and judicial review (counsel for Czech authorities)

Srama v District Court of Bydgoszcz, Poland

[2007] EWHC 666 (Admin)

Extradition proceedings and remitting Part 1 case to the first instance court (counsel for S)

Lisowski v Regional Court of Bialystok, Poland

[2006] EWHC 3227 (Admin)

Human rights review (counsel for L)

Civil, public law and inquests**Iraqi Civilians v MOD (2)**

[2017] EWHC 3289 (QB)

Private and public law claims by Iraqi civilians detained by British forces during the invasion of Iraq in 2003 (first junior counsel for the claimants)

R (Freedom & Justice Party) v Secretary of State for Foreign and Commonwealth Affairs

[2016] EWHC 2010 (Admin)

Judicial review re 'special mission immunity' (junior counsel for the Interveners, Amnesty International and Redress)

R (Hicks & Ors) v Inner North London Senior Coroner & Ors

[2016] EWHC 1726

Judicial review of Coroner's decision to exclude persons from court room during Inquest

Re (Children)

[2016] EWHC **** (Fam) (anonymised)

Sole counsel for a Police Force in proceedings brought by a local authority under The Children's Act 1989 in response to allegations that the mother intended to travel with her children to ISIS-controlled territory in Syria

Gujra v DPP

[2012] UKSC 52; [2013] 1 AC. 484

Judicial review of DPP's policy on private prosecutions (junior counsel for the DPP)

Cherney v Deripaska (2012)

\$4bn claim in the Commercial Court, which settled in 2012 (junior counsel for D)

R (Mucelli) v Secretary of State for the Home Department

[2012] EWHC 95 (Admin)

Extradition related judicial review re. convictions in absence in Albania (counsel for intervener, Fair Trials International)

R (El Maghraby) v HM Treasury & FCO

[2012] EWHC 674 (Admin)

Application for judicial review of The Egypt (Asset-Freezing) Regulations (junior counsel for claimants)

International, foreign and EU laws**In re S (ongoing)**

Delisting application before the UN Ombudsperson re. UN Security Council Al-Qaida sanctions

In re Q (ongoing)

Advising re challenging sanctions designation

In re D, T, A & A (2011-2013)

Successful delisting applications before the UN Ombudsperson for individuals on the UN Security Council Al-Qaida sanctions list. Instructed by the European Centre for Constitutional and Human Rights.

In re T (2011)

Re Interpol red notices

Brunei Investment Agency v D & Z

(2011, Sup Ct NY)

Claim against former advisors of Prince Jefri of Brunei in New York courts

The Prosecutor v Krajišnik IT-00-39-A (ICTY)

Member of legal team of amicus curiae, Colin Nicholls QC (2006-2008)