

Helen Malcolm KC

Call: 1986 / Silk: 2006



Helen Malcolm KC is recognised in the directories for her expertise in international criminal law, particularly in the areas of corporate fraud, corruption and extradition.

She is a formidable advocate and excels at appellate work. She has acted in many of the leading financial crime and extradition cases in recent years; and in allied civil proceedings. Recent work includes sanctions enquiries.

She trains judges and advocates in the UK and abroad, has taught criminal law at Oxford University, and has been for many years an Archbold Editor in corporate crime.

Trained in commercial mediation and international arbitration.

Extradition

She was instructed in the very first European Arrest Warrant case in the UK and now lectures and advises on the effect of Brexit on European extraditions. She was counsel for Augusto Pinochet in Spain's request for his extradition, and represented an alleged genocidaire in the Rwandan extradition. Acted for Azerbaijan in their request for a lady who had spent £18m in Harrods; and undertook the leading cases on Polish fair trials and on Lithuanian prison conditions. Regularly lectures on extradition (including post Brexit) to those in the corporate and financial worlds.

Notable Extradition cases

- **Wozniak & Chablicz v Poland (2020)**
Lead case on rule of law in Poland.

- **Modi v India (2020)**
\$1bn fraud on Punjabi national bank.
- **Cosar & Verde (2020)**
Effect of Covid-19 on Extradition Orders.
- **Pakhomova v Spain (2020)**
Conflict of jurisdiction.
- **Enasoaie v Romania (2020)**
Lead case on disaggregation and specialty in Romania.
- **Abraaj Collapse (2020)**
US extradition request in the Abraaj litigation.
- **Bartulis & Others v Lithuania (2019)**
Lead case on Lithuanian prison conditions.
- **Lis, Lange v Poland (2019)**
Lead case on fair trials in Poland in view of changes to judiciary there.
- **Hajiyeva v Azerbaijan (2019)**
Fraud/money laundering allegation with losses in region of £20m (largely spent in Harrods).

Fraud, Bribery & Corruption, International Crime & Money Laundering

She acts both for and against the Serious Fraud Office, the Financial Conduct Authority and the Crown Prosecution Service in large scale fraud and corruption cases, particularly those with substantial international elements. She appears for the Revenue in international tax enquiries and tribunal hearings. She has advised the House of Lords Select Committees on international (particularly EU) criminal law.

Notable Fraud, Bribery & Corruption, International Crime & Money Laundering cases

- **GPT & Others (2020)**
Foreign corruption investigation of Airbus subsidiary.
- **Operation Buxted (2020)**
Allegations of bribery in relation to medicine procurement in NHS.

- **Operation Darcy (2020)**
First prosecution of corruption under the Bribery Act in relation to private corporations.
- **R v MG (2016)**
£100m tax fraud relating to carbon emissions under Kyoto Agreement.
- **R v S (2015)**
Russian money laundering and corruption case involving European Bank for Reconstruction and Development.
- **HMRC v Anand (2012)**
Lead case on reviewing the issue of search warrants in tax investigation by HMRC.
- **Macmillan Publishers Ltd (2011)**
Corruption enquiry ending in SFO's largest civil recovery order.
- **HMRC v Alphatronics (2010)**
MTIC case before Tax Tribunal.
- **HMRC v Red 12 (2008)**
MTIC fraud in VAT Tribunal, Chancery Division and Court of Appeal (Civil Division), now a leading case.

Mutual Legal Assistance & Asset Recovery

She has advised extensively (both defendants and prosecuting authorities) on mutual legal assistance and on the seeking of evidence and assets overseas. She advises witnesses, victims and prosecuting authorities on freezing of assets, confiscation, compensation and asset recovery. She obtained one of the UK's largest compensation orders (£21m) for a victim of fraud. She also acts for defendants and third party owners of assets, the subject of attempted seizure by the authorities. She advises on Legal Professional Privilege, in UK and offshore.

She trains advocates and judges abroad in human rights and counter terrorism for the Council of Europe, the UN and the EU; and teaches advocacy in this country and internationally. She 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.

Notable Mutual Legal Assistance & Asset Recovery cases

- **SFO**
Currently advising in multi national MLA request.
- **AR**
Multi million pound mutual assistance request relating to alleged proceeds of crime abroad.

- **BSGR v SFO & SSHD (2014-15)**

Litigation regarding international mutual assistance in case alleging corruption in granting of mining licences in West Africa.

Directory Recommendations

“Helen is a ferocious advocate.” **Chambers UK 2021: Financial Crime**

“Enormously experienced and has great gravitas and authority.” **Chambers UK 2021: Extradition**

“...amongst the best in at the Bar for anything with a cross-border, extra-territorial or multi-jurisdictional dimension.” **Legal 500 2021: Fraud**

“She has great tactical judgement and attention to detail. She commands great respect from judges and other advocates.” **Legal 500 2021: International Crime and Extradition**

“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.” **Legal 500 2020: International Crime & 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.” **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.” **Legal 500 2017: Fraud**

“A heavyweight extradition practitioner, who provides outstanding advocacy and really good strategic advice.” **Legal 500**

2017: International Crime & 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

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

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
- Regularly gives evidence to House of Lords Select Committees on effect of Brexit on extradition and criminal law

Appointments

- Silk 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
- 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
- Vice President of the European Criminal Law Association 2013
- Directions Judge for Bar Standards Board

Other Information

- 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, SE 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
- Accredited CEDR mediator March 2007
- Trained in international arbitration, Chartered Institute of Arbitrators, 2011

Accreditations



Privacy Statement

I, Helen Malcolm KC, am a data controller and can be contacted at 3 Raymond Buildings, Gray's Inn, London WC1R 5BH or by telephone on 020 7400 6400 or by email at helen.malcolm@3rblaw.com. My Data Protection Policy can be found below.

All personal data that I process is for the purposes of providing legal services, conducting conflict-checks, marketing, defending potential complaints, legal proceedings or fee disputes, keeping anti-money laundering records, training other barristers and pupils and when providing work-shadowing opportunities, and/or exercising a right to a lien. The types of data I process vary upon the nature of the legal matter in relation to which I am engaged to advise or otherwise participate, but can include names, contact details, biographic details and 'special category personal data' (such as details of racial or ethnic origin, political opinions, religious or philosophical beliefs, health, sex life and criminal convictions and proceedings).

Depending upon the circumstances of the case, the legal bases upon which I process personal data are (i) the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract, (ii) the processing is necessary to comply with legal obligations to which I am subject, or (iii) the processing is necessary for the legitimate interests set out above, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subjects which require protection of personal data, in particular where the data subject is a child. When I rely on (iii) legitimate interests, my 'Legitimate Interests Assessment' can be found [here](#). When I process data which has not been obtained directly from the data subject (e.g. personal data contained in evidential materials), it will have been supplied to me as part of my instructions in circumstances covered by legal professional privilege.

Depending upon the circumstances of the case, I may share the personal data with:

1. my Chambers, which supplies professional and administrative support to my practice;
2. Courts and other tribunals to whom documents are presented;
3. my lay and professional clients;
4. potential witnesses, in particular experts, and friends or family of the data subject;
5. solicitors, barristers, pupils, mini pupils and other legal representatives;
6. ombudsmen and regulatory authorities;
7. current, past or prospective employers;
8. education and examining bodies;
9. business associates, professional advisers and trade bodies.

I retain personal data for no longer than 7 years after the case has come to an end or as otherwise required by law.

I do not intend to transfer data to any country which is not either within the European Union, 'white listed' by the EU or otherwise permitted by EU law (e.g. to the USA under the provisions of the 'Privacy Shield').

Under the GDPR, data subjects whose personal data I process have the right to request from me access to, and rectification or erasure of, their personal data, the right to the restriction of processing concerning them, the right to object

to processing as well as the right to data portability. Data subjects also have the right to lodge a complaint with the Information Commissioner's Office (ico.org.uk).

In cases where there is a contract between me and the data subject, the provision of personal data is a contractual requirement and the data subject is obliged to provide the personal data in order that I can supply legal services. A failure to provide such data may mean that I will not be able to provide the legal services.

Rev 1.1 – 18.07.2018

[Data Protection Policy](#)

[Legitimate Interests Assessment](#)

Direct Access

Helen Malcolm KC 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](#).