



## Helen Malcolm QC

Call: 1986 / QC: 2006

Helen Malcolm QC 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

- **Bartulis & Others v Lithuania**  
Lead case on Lithuanian prison conditions.

- **Lis, Lange v Poland**  
Lead case on fair trials in Poland in view of changes to judiciary there.
- **Hajiyeva v Azerbaijan**  
Fraud/money laundering allegation with losses in region of £20m (largely spent in Harrods).
- **Abraaj Collapse**  
US extradition request in the Abraaj litigation.

## **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**

- **SFO**  
Currently acting for SFO in long running foreign corruption investigation.
- **R v MG**  
Defended in £100m tax fraud relating to carbon emissions under Kyoto Agreement.
- **R v S**  
Defended in Russian money laundering and corruption case involving European Bank for Reconstruction and Development.
- **HMRC v Anand**  
Lead case on reviewing the issue of search warrants in tax investigation by HMRC – won in judicial review.
- **Macmillan Publishers Ltd**  
Acted for SFO in corruption enquiry ending in SFO's largest civil recovery order.
- **HMRC v Red 12**  
Acted for HMRC in MTIC fraud in VAT Tribunal, Chancery Division and Court of Appeal (Civil Division), now a leading case.

- **HMRC v Alphatronics**

Acted for HMRC in MTIC case before Tax Tribunal.

## 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**

Acting for alleged offenders in multi million mutual assistance request relating to alleged proceeds of crime.

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

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

## Notable Cases

### Extradition

#### **Rwanda v Mutabaruka**

Rwanda genocide case

#### **Kenya v D**

2014-16

Extradition proceedings relating to £50m petroleum fraud

## Fraud, corruption, money laundering

### **R v S**

Defended senior police officer in allegations of fraud and FSMA offences, arising from US property crash

### **Operation Lumpfish**

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

### **FM**

Prosecuted conman who used stolen credit cards to book luxury holidays for celebrities

### **R v SF**

Defended in alleged £4.5 million tax evasion fraud

### **R v KF**

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

### **R v GS**

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

## 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

- 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
- 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

