



## Rachel Barnes

Call: 2004

Rachel Barnes is recognised as a leading practitioner in Sanctions, Financial and Corporate Crime, Fraud, International Crime and Extradition and Proceeds of Crime & Asset Forfeiture.

An expert in international financial and trade sanctions, Rachel acts for national and international companies and individuals in this area and on cross border, jurisdictional and state immunities matters more generally. A substantial portion of this work is pre-charge and confidential.

Clients value her US background and knowledge of US OFAC (Office of Foreign Assets Control) sanctions, as well as her wider practice in cross-border criminal investigations including corruption cases, extradition and MLA, public law and commercial cases. Rachel acts in public law and civil cases with criminal justice and public international law aspects. She 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. She appears in all criminal courts, High Court (QBD, Administrative and Commercial Courts), Court of Appeal and Supreme Court.

Rachel is a dual-qualified US attorney and English barrister. She began practice in New York in 1999 and a significant proportion of her work is US-related. She remains a member of the New York Bar, admitted to practise before the NY state courts and the federal courts of the Southern and Eastern Districts of New York. She has experience of cases in Washington DC involving the SEC, OFAC, the DOJ and Congressional inquiries.

## Crime

Rachel prosecutes and defends in financial and complex crime cases. She prosecutes for the SFO and FCA. She is described by Chambers UK 2020 as "go-to counsel on matters with a transatlantic element" and "an accomplished junior whose international crime and fraud practice is complemented by her expertise in extradition and confiscation". Rachel is

often instructed at the beginning of large cases and so much of her work is pre-charge and confidential. She is regularly instructed by firms who are involved in criminal investigations in a witness rather than suspect capacity. She is currently instructed in a number of contested POCA account freezing and forfeiture cases.

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

## Notable Crime cases

- **R v Saunders, Strubel & Steinberg (2019)**  
Counsel for SFO in contested confiscation arising from £78m ponzi scheme.
- **R v Hodson (2019)**  
Counsel for SFO in £12m international corruption case (ALCA Fasteners Ltd); defendant pleaded guilty and agreed £4.5m confiscation.
- **R v Vishnyak (ongoing)**  
Counsel for FCA in first prosecution of the statutory offence of destroying documents during a FSMA investigation.
- **Operation K (ongoing)**  
FCA insider dealing investigation.
- **Arms embargo breaches (ongoing)**  
Advising on potential criminal proceedings.
- **A Foreign Official (ongoing)**  
Acting pre-charge for foreign official arrested on suspicion of receiving bribes. Issues include immunities from prosecution and evidence obtained overseas.
- **R v Lama [2017] QB 1171**  
Universal Jurisdiction prosecution for alleged torture during the Nepal civil war (defence junior in interlocutory appeal re immunities).
- **R (Freedom & Justice Party) v Secretary of State for Foreign and Commonwealth Affairs [2018] EWCA Civ 1719, [2019] 2 WLR 578**  
Judicial review re. special mission immunity of Egyptian official accused of serious international crimes (counsel for interveners).

- **Re potential proceedings for serious international crimes**

Retained by foreign government to advise on potential English proceedings against its officials for international crimes.

- **R v Shanahan (Operation Eleveden) Central Criminal Court, 2014**

Operation Eleveden – Prosecution of The Sun journalists for conspiracy to commit misconduct in public office (counsel for Deputy Editor of The Sun).

## Sanctions and export controls

Rachel is a recognised market leader in sanctions law. As an English barrister and US attorney, she is uniquely placed to advise on UK, EU and US sanctions regimes and has a wealth of experience from specialising in this area for many years.

She is known for her strategic approach in dealing with regulators and other third parties in cases involving alleged sanctions breaches and in assisting companies to comply with sanctions laws and regulations and export controls, particularly in large cases across multiple jurisdictions. She is “pragmatic, hands-on, easy to work with, always available and someone who is able to quickly become one of the team” (Chambers UK 2020: sanctions).

In addition to her criminal/regulatory and corporate sanctions work, Rachel is currently advising a number of civil society organisations on use of sanctions as a tool for human rights accountability and the UK’s post-Brexit autonomous human rights (global Magnitsky) sanctions framework. Rachel has acted for clients challenging their designation under international sanctions programmes before the English High Court, in the EU and the UN Security Council Ombudsperson.

Rachel regularly speaks on sanctions related matters. She has taught a masters course at LSE on the Law and Policy of Economic Sanctions and was awarded her PhD from Cambridge University for her study of UN Security Council’s use of economic sanctions.

## Notable Sanctions and export controls cases

- **Financial Institutions**

International bank and EU and US sanctions regimes; EU banker and US Department of Justice investigation; UK bank and Iran sanctions; European bank and overseas freezing orders on deposits subject to financial sanctions.

- **Law Firms**

Russian sectoral sanctions and investment vehicles; legal fees and Iranian clients; Russian listed persons; Russian sectoral sanctions and share purchase agreement.

- **Insurance**

P&I Club with Russian exposure; P&I Club and sanctions breach by policyholder’s charterparty; insurance restrictions in Libyan sanctions regimes; Lloyd’s insurance market and SPA; Lloyd’s managing agent and sanctions

against Iran; global insurance company, US sanctions and EU blocking regulation.

- **Law Enforcement Investigations & Referrals**

Company services provider and Ukraine/Russian sanctions; manufacturing company and Iran export control violations; High Street company and breaches of Iran financial sanctions; Medical supplies company and Iran exports and payments.

- **Other advisory Work**

UK exporter and financial payments on behalf of Iranian customers; Technology company and business development in Iran; EU parent company with international subsidiaries: directors' and officers' liabilities for sanctions breaches; EU communications firm and the repatriation of assets from Iran.

- **NGOs**

Humanitarian aid and Syrian sanctions; Iran sanctions.

- **Expert witness in ICC Arbitration**

Re extra-territorial reach of US sanctions in a high value commercial dispute.

- **UN Security Council Ombudsperson**

Led an international team representing 6 clients in successful delisting petitions.

## Extradition & MLA (mutual legal assistance)

Rachel acts for individuals, governments and interveners in complex extradition and MLA cases, including in challenges to Interpol Red Notices. Many of her cases are US-related. She recently represented the SFO in contested asset restraint proceedings related to a high profile US prosecution and is currently instructed by the SFO in restraint proceedings related to a large overseas corruption case.

### Notable Extradition & MLA (mutual legal assistance) cases

- **France v O (appeal ongoing)**

Acting for the requested person in complex EAW involving operative informant in drug trafficking gang.

- **Montenegro v Knezevic (ongoing)**

Counsel for Montenegro in extradition request of former leading banker and businessman in Montenegro.

- **US v Zaman & Okeakpu (Admin Court, 2019)**

Counsel for the US in international dark web fraud case.

- **Bowen v Govt. USA & Secretary of State for the Home Dept [2016] EWHC 1400 (Admin)**

Junior counsel for Home Secretary in appeal against extradition for prosecution for possession of child

pornography.

- **Mitchell v Govt USA & Secretary of State for the Home Dept [2016] EWHC 2649 (Admin)**  
Counsel for the Home Secretary.
- **Ghana v G [2014] EWHC 1569 (Admin); [2014] 1 WLR 4464**  
Junior counsel for requested person in appeal against extradition for murder trial with mandatory death penalty on conviction.
- **Pinnick v Spain [2013] EWHC 1034 (Admin)**  
Counsel for appellant; extradition order quashed for defective EAW issued after seizure of yacht containing 50kg liquid cocaine.
- **Van der Kramer v Belgium [2013] EWHC 560 (admin)**  
Conviction in absence (counsel for VDK).
- **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).
- **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)**  
Counsel for USA in child kidnapping extradition request
- **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)

## Civil and Public Law

Rachel's civil and public law practice has grown out of her international law expertise. She has an established "niche fraud practice at the juncture of civil and criminal litigation" (Chambers UK 2014). She acts in criminal justice and extradition related judicial reviews and private and public law claims with criminal justice and/or international law aspects, including in group litigation.

## Notable Civil and Public Law cases

- **R (Freedom & Justice Party) v Secretary of State for Foreign and Commonwealth Affairs [2018] EWCA Civ 1719, [2019] 2 WLR 578**  
Judicial review re. special mission immunity of Egyptian official accused of serious international crimes (counsel for interveners).
- **Iraqi Civilians (Alseran & Ors) v Ministry of Defence [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 (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 (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).
- **R (El Maghraby) v HM Treasury & FCO [2012] EWHC 674 (Admin)**  
Judicial review of The Egypt (Asset-Freezing) regulations (junior counsel for claimants).

## 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 Weavering 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)

## **Memberships**

- Association of Disabled Lawyers
- Bar Council US Group
- Criminal Bar Association
- Defence Extradition Lawyers' Forum
- Fraud Lawyers' Association
- Extradition Lawyers' Association
- Women In Criminal Law
- South Eastern Circuit

## Education

- 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)

## Publications

- Barnes et al (eds) *'The Guide to Sanctions'* (September 2020, GIR) – full publication available [here](#)
- Barnes & Dowding 'Account Freezing Orders: Part 2 – In Practice' Archbold Review (April 2020) – Full article available [here](#)
- Barnes & Dowding 'Account Freezing Orders' Archbold Review (Feb 2020) – Full article available [here](#)
- Barnes, Hill & Woods 'OFSA gears up to use its civil enforcement powers' World ECR (Feb 2019)
- 'Denial of Humanitarian Assistance' in Shaheed Fatima QC (lead author) *Protecting Children in Armed Conflict* (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 Nicholls et al *Corruption and Misuse of Public Office* (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)

# Appointments

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

# 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.*

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

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; internal investigations relating to financial and regulatory crime both in the US and overseas; advised corporations on money laundering, corruption and sanctions regulatory compliance and general corporate governance matters.

Notable cases included: Xerox Corporation SEC proceedings (\$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**

Global Sanctions Forum, London, 24 September 2019

Jersey Sanctions Forum, St Helier, 17 September 2019

Cypriot/English Law Day: EU and US sanctions, Limassol, 13 September 2019

Global Sanctions Forum, London, 31 October 2018

“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

‘Sanctions and embargos: international law and contemporary practice’, Institute of International and Comparative Law conference 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; Fraud Lawyers’ Association; Extradition Lawyers’ Association; Defence Extradition Lawyers’ Forum; Women In Criminal Law; Association of Disabled Lawyers

## **Languages**

Basic French and Romanian

# Accreditations

