

Zahra Al-Rikabi

YEAR OF CALL: 2012

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Practice Overview

Zahra has a broad practice encompassing commercial litigation, private and public international law, public law and human rights, and European law (in particular EU sanctions). She has appeared in the High Court, the Court of Appeal, the Supreme Court and the Court of Justice of the European Union. Zahra acts for a wide range of clients, from multinational corporations, international organisations, and government and public bodies to private individuals. She is a native Arabic speaker which makes her well placed to deal with any domestic litigation or international arbitration where her language skills can be used.

Commercial instructions include:

- Defending one of the “Big Four” accounting firms against a \$600 million auditor’s negligence claim;
- *L R Avionics Technologies Ltd v The Federal Republic of Nigeria*, a jurisdiction hearing in the Commercial Court considering the application of state immunity when consular services are outsourced to a commercial entity;
- *Singapore Tankers PTE ltd v Tital Oil PTE ltd*, an appeal under s.69 of the Arbitration Act 1996.

Public law instructions include:

- *Utilita Energy Limited v Secretary of State for Business, Energy & Industrial Strategy*, a challenge to the Government’s deadline for the installation of first generation smart energy meters;
- *Salman Butt v Secretary of State for the Home Department*, an appeal in the Court of Appeal challenging the compatibility with freedom of speech of the Government’s Prevent Duty Guidance; and
- *Catt and T v Commissioner of the Police of the Metropolis*, an appeal to the Supreme Court in relation to the compatibility with the right to privacy of data retention by the Metropolitan police.

EU and competition law instructions include:

- *Central Bank of Iran v Council*, an appeal by the Central Bank of Iran before the ECJ.
- *Tomana v Council*, a challenge by 121 individuals and entities challenging their inclusion in the European Union’s sanctions against Zimbabwe.
- *Intercontinental Exchange, Inc v Competition and Markets Authority*, a challenge to the CMA’s unwinding of the merger between ICE, the largest European utilities trading exchange and Trayport, the leading utilities trading software platform (acting for the intervener, Nasdaq Stockholm AB).

Before coming to the Bar, Zahra worked with the Legal Advisor to the Prime Minister of Iraq during the negotiations

of the US-Iraqi Status of Forces Agreement, advising on issues such as state jurisdiction and state immunity. She also interned with the Steering Committee of the UN International Compact with Iraq, where she drafted advice on Iraq's international human rights obligations and issues of transitional justice.

Commercial

Zahra has experience in a range of commercial matters, including banking, insurance, civil fraud, shipping, international arbitration, professional negligence and general contractual disputes. Among her current instructions is defending one of the "Big Four" accounting firms against a \$600 million auditor's negligence claim.

Zahra has experience of challenges to arbitration awards under ss. 67, 68 and 69 of the Arbitration Act 1996 as well as enforcing arbitration awards under the New York Convention. She appeared unled in *L R Avionics Technologies Ltd v The Federal Republic of Nigeria & Anor* [2016] EWHC 1761 (Comm), an enforcement action raising issues of state and consular immunity.

Zahra is particularly interested in questions of private and public international law arising in multi-jurisdictional disputes. She has significant experience advising on state immunity, both in her work with the Legal Advisor to the Prime Minister of Iraq and in practice. She has also advised on jurisdiction in a number of difference contexts, including civil fraud.

EU/Competition

Zahra has significant experience in relation to EU economic sanctions, from challenges against designation to advising on questions of compliance with sanctions both generally and in relation to particular transactions. Notable cases include:

- *Case T-720/14 Arkady Rotenberg v Council* the first challenge to the EU's sanctions against Russia to go to judgment (led by Maya Lester QC)
- *Case C-266/15 P Central Bank of Iran v Council*, an appeal before the ECJ brought by the Central Bank of Iran challenging its designation by the EU Council (led by Maya Lester QC)
- *Case C-330/15 P Tomana and others v Council and Commission*, an appeal before the ECJ brought by over 100 individuals and entities designated by the EU Council (led by Maya Lester QC)

Zahra further developed her experience in relation to compliance with EU sanctions through a secondment at Peters & Peters, where she played a key role in creating a global sanctions compliance policy for a large multinational corporation.

Zahra frequently advises on questions of EU and competition law. She is currently instructed in a follow-on damages claim arising from the world-wide DRAM fixing cartel, and previous instructions include *Case C-547/14*, a reference from the English High Court concerning the lawfulness of the Second Tobacco Products Directive (2014/40/EU), and *Newby Foods Ltd, R (On the Application Of) v Food Standards Agency (No. 7)* [2014] EWHC 1340 (Admin), a case concerning whether the European Commission is bound by orders of the English courts if it intervenes in English proceedings.

Public Law

Zahra has extensive experience of public law, including both advisory and judicial review in a broad range of areas including community care, housing, transport, energy and proceedings under the Prevention of Terrorism Act. Zahra has been instructed in a wide range of regulatory disputes, including industry and professional bodies, financial services and anti-money laundering, and pharmaceutical regulation.

Zahra frequently advises in relation to civil liberties and human rights, and has been involved in a number of high

profile cases including *Salman Butt v Secretary of State for the Home Department (on appeal to the Court of Appeal)*, a challenge in the Administrative Court to the Prevent duty guidance (led by Paul Bowen QC) raising issues concerning freedom of speech and the right to privacy; and *Catt and T v Commissioner of the Police of the Metropolis and Another* [2015] UKSC 9, an appeal before the Supreme Court concerning the legality under Article 8 ECHR of data retention by the police (led by Paul Bowen QC). Zahra has a keen interest in human rights and law reform: she co-authored the Bingham Centre's *Report on Streamlining Judicial Review in a Manner Consistent with the Rule of Law*; she has worked with and volunteered for a number of NGOs, including the Public Law Project, Liberty and Amnesty International; and she is a Council Member of JUSTICE.

Zahra's experience in practice builds on her experience with the public law team at the Law Commission for England & Wales, and her time working as a judicial assistant to Lord Justice Maurice Kay, the then Vice President of the Court of Appeal.

Public international law

Zahra has extensive experience advising on the immunity of states, international organisations and diplomats; and has been involved in a number of cases raising issues of international law, including *Belhaj & Anor v Jack Straw & Ors*, an appeal before the Supreme Court addressing the application of state immunity and the foreign act of state doctrine in claims of complicity of UK agents in torture (acting for the interveners, as junior to Martin Chamberlain QC); *L R Avionics Technologies Ltd v The Federal Republic of Nigeria & Anor* [2016] EWHC 1761 (Comm), an enforcement action raising issues of state and consular immunity; and *R (Noor Khan) v Secretary of State for Foreign and Commonwealth Affairs*, a challenge to the UK's alleged practice of providing the authorities in the United States with intelligence to facilitate drone strikes in Pakistan (as a pupil, assisting Martin Chamberlain QC).

Before coming to the Bar, Zahra worked with the Legal Advisor to the Prime Minister of Iraq during the negotiations of the US-Iraqi Status of Forces Agreement, advising on issues such as state jurisdiction and state immunity.

Publications

Z Al-Rikabi, "Kadi II: the right to effective judicial review triumphs yet again" *European Human Rights Law Review* E.H.R.L.R. (2013) No.6 Pages 631-636

M Fordham, M Chamberlain, I Steele and Z Al-Rikabi, "Streamlining Judicial Review in a Manner Consistent with the Rule of Law" *Judicial Review* (Hart, Vol 19, no. 2)

Qualifications

2012-13: Pupillage, Brick Court Chambers

2012: Judicial Assistant to Maurice Kay LJ, UK Court of Appeal

2010-12: Bar Professional Training Course, College of Law (Very Competent)

2010 - 11: Research Assistant, Law Commission for England and Wales

2008: Assistant, Office of the Legal Advisor to the Prime Minister of Iraq

2007 -10: LLM in Public International Law, London School of Economics (Merit)

2003 - 07: BA in Jurisprudence, New College, Oxford (First)

Scholarships:

2013: Phoenicia Scholarship, Bar European Group

2010: Astbury Scholarship (Major), Middle Temple

2004: Slaughter and May Prize for the best performance in Introduction to Law for Law Moderations

2004: New College Scholarship and the Burden-Griffiths Book Prize for performance in Law Moderations

Languages

Arabic