

Zahra Al-Rikabi

YEAR OF CALL: 2012

"She is fiercely intelligent and she works her socks off. A great team player, fine drafter, and displays sound judgement."

Legal 500 2021

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Practice Overview

Zahra has a broad practice encompassing commercial litigation, public international law (including investment treaty arbitration), EU law and public law. She is recognised as a leading junior for both public law and EU law (Legal 500, 2021) and was appointed Junior Counsel to the Crown (the UK Attorney General's Public International Law C Panel) in 2020. Zahra is frequently instructed in high profile cases in her areas of practice. She appeared in *Municipio de Mariana and ors v BHP Group*, which featured in *The Lawyer's* Top 20 Cases for 2020 and in *Canary Wharf v European Medicines Agency*, the top case in *The Lawyer's* top 20 Cases for 2019. Zahra was selected for *The Lawyer* Hot 100 in 2020.

Zahra has appeared as sole counsel in the High Court and Court of Appeal. She has also been led in cases before the Supreme Court and the Court of Justice of the European Union. Zahra has acted for a wide range of clients, including states and international organisations. 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.

Zahra is a member of the London Chamber of Arbitration and Mediation's panel of arbitrators and co-Chair of Racial Equality for Arbitration Lawyers' Arbitral Appointments Committee. She is also a CEDR accredited mediator.

Commercial

Zahra has experience in a range of commercial matters, including banking, insurance, civil fraud, shipping, professional negligence and general contractual disputes. Current or recent instructions include:

- *BTI v PwC* [2021] EWCA Civ 9 (led by Simon Salzedo QC and Tony Singla) a strike out application raising issues of abuse of process and scope of duty in the context of a \$600 million auditor's negligence claim.
- *Município de Mariana and ors v BHP Group* (led by Charles Hollander QC), a claim on behalf of over 200,000 claimants arising from the collapse in 2015 of the Fundão Dam, which has been described as the worst environmental disaster in Brazil's history.
- *Fortunate Drift v Canterbury Securities* (led by Tim Lord QC) a \$20 million claim in the Cayman Islands.

Zahra has experience of challenges to arbitration awards under ss. 67, 68 and 69 of the Arbitration Act 1996 as well as enforcement of 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 multi-jurisdictional disputes raising questions of private and public international law. 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.

Public international law

Zahra has a strong public international law practice, which includes both advisory work, in particular in relation to the immunity of states, international organisations and diplomats; as well as domestic litigation raising issues of public international law. Zahra was appointed Junior Counsel to the Crown (the UK Attorney General's Public International Law C Panel) in 2020. Notable cases include:

- *Canary Wharf v European Medicines Agency* [2019] EWHC 335 (Ch) (led by Lord Anderson of Ipswich KBE QC), selected as one of the top case in *The Lawyer's* Top 20 Cases of 2019, this case determined whether Brexit would frustrate the EMA's lease in Canary Wharf, raising issues concerning the immunity of international organisations as a matter of customary international law, EU law and domestic law
- *Belhaj & Anor v Jack Straw & Ors* [2017] UKSC 3 (led by Martin Chamberlain QC), 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.

- *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, in which Zahra appeared unled. This case is now authority for the proposition that s.9 of the State Immunity Act 1978 encompasses not only an arbitration award but also a judgment of a foreign court upholding the arbitration award and awarding interest.

Zahra also has a growing practice in investment treaty disputes. She is currently instructed in *Al-Jazeera v Egypt* ICSID Case No. ARB/16/1 (led by Toby Landau QC), as well as a multi-billion dollar claim brought by an investor against a South Asian state pursuant to a bilateral investment treaty.

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 of state jurisdiction and state immunity.

Public Law

Zahra is ranked as a leading junior in administrative and public law (Legal 500, 2021) where she is described as “an excellent junior in the ascendancy”. She has extensive experience of public law, including both advisory and judicial review in a broad range of areas including community care, housing, transport and energy, as well as 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* [2019] EWCA Civ 256 (led by Paul Bowen QC), a challenge to the Prevent duty guidance 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 (led by Paul Bowen QC), an appeal before the Supreme Court concerning the legality under Article 8 ECHR of data retention by the police.

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 was also a member of JUSTICE's advisory group of experts, led by Sir John Dyson, to inform its response to the Independent Review of Administrative Law.

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.

International/EU

Zahra is ranked as a leading junior in EU law (Legal 500, 2021). She has extensive experience of advising on questions of EU law in the context of domestic litigation. Recent instructions include:

- *Canary Wharf v European Medicines Agency* [2019] EWHC 335 (Ch) (led by Lord Anderson of Ipswich KBE QC), selected as the top case in *The Lawyer's* Top 20 Cases of 2019, this case determined whether Brexit would frustrate the EMA's lease in Canary Wharf, raising various issues about the EMA's capacity as a matter of EU law.
- *R (on the application of Tempus Energy Ltd) v Secretary of State for Business, Energy & Industrial Strategy* (led by Victoria Wakefield QC), a challenge to the UK Capacity Market in which the UK Government was said to be in breach of EU state aid law.

Zahra also 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* (led by Maya Lester QC), the first challenge to the EU's sanctions against Russia to go to judgment.
- *Case C-266/15 P Central Bank of Iran v Council* (led by Maya Lester QC), an appeal before the ECJ brought by the Central Bank of Iran challenging its designation by the EU Council.
- *Case C-330/15 P Tomana and others v Council and Commission* (led by Maya Lester QC), 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.

Publications

Z Al-Rikabi, "Revisiting *Canary Wharf v EMA*: applying the "radically different" theory of frustration" *Butterworths Journal of International Banking and Financial Law* (2021)

Co-authored a chapter on proof in investment arbitration for the *Max Planck Encyclopedias of International Procedural Law* (2020)

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

2021: CEDR commercial mediation accreditation

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

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

Directory quotes

"She's confident, considered and thoughtful. She is good at navigating challenging conversations with clients." (Chambers & Partners 2022)

"Excellent at digesting complex materials and reducing them to very digestible content." (Legal 500 2022)

"Great attention to detail. Very calm." (Legal 500 2022)

"She is fiercely intelligent and she works her socks off. A great team player, fine drafter, and displays sound judgement." (Legal 500 2021)

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Languages

Arabic