Sacha Harber-Kelly

Partner

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London



Sacha Harber-Kelly is a partner in the Dispute Resolution Group of Gibson Dunn & Crutcher's London office, where he specialises in global white-collar investigations, related litigation and compliance. He has extensive litigation, investigation and advisory experience on behalf of both companies and individuals in a broad range of service and industry sectors including financial services, oil and gas, extractives, legal services, telecommunications, sport, media, real estate, consumer products and manufacturing.

Sacha is a member of City of London Law Society Corporate Crime Committee. He is ranked as a leading individual for Regulatory Investigations and Corporate Crime in *The Legal 500*, 2022/2023/2024/2025, recommended as a Global Leader for Business Crime Defence: Individuals and Corporate in *Who's Who Legal* 2022/2023 and is ranked by *Chambers UK* 2020-2024 for Financial Crime: Corporates (London). In addition, he is recognised in *Euromoney's White Collar Crime Expert Guide* 2021. Commentators say:

- "He is very measured and bright." *Chambers U.K. 2023*
- "Sacha Harber-Kelly,… remains a key name for complex financial crime prosecutions, criminal and regulatory investigations…" *The Legal 500*, 2022/23.
- "Former Serious Fraud Office prosecutor Sacha Harber-Kelly is the name to know in London." *Global Investigations Review, GIR 100* 2022
- "He is extremely diligent and in particular understands cross-border issues, such as the different approaches between authorities." *Chambers UK* 2021.
- "Sacha Harber-Kelly is a massive asset to the team. His background coming from the SFO gives him huge insight into fraud investigations, which is invaluable for the client." *The Legal 500* 2021/22
- "He provides focused and dynamic advice to his clients." *Chambers UK* 2021/22
- "Sacha Harber-Kelly is a master of detail, whilst remaining calm even in the most difficult circumstances'. *The* Legal 500 2020/21
- 'Sacha Harber-Kelly has the ability to see through a mass of detail and law and keep a keen eye on what matters and what will help achieve the right outcome'. *The Legal 500* 2020/21
- Well regarded from his time at the SFO, Sacha Harber-Kelly MBE draws market-wide recognition for his expertise in financial crime matters. "He is practical, knowledgeable and a joy to work with." *Chambers UK* 2020

Prior to joining Gibson Dunn Sacha was a prosecutor and case controller at the Serious Fraud Office (SFO) where he was involved in the investigation and prosecution of international corporate corruption cases since 2007. He has worked extensively with a range of other enforcement authorities in the U.K., U.S. and beyond, including the U.S. Department of Justice (USDOJ), the Securities & Exchange Commission (SEC), the Office

Capabilities

White Collar Defense and Investigations

Crisis Management

Litigation

Credentials

Education

University of East London - 2013 MSc Architecture

University of Law - Guildford - 1993 Law Society Finals

University of Southampton - 1992 Bachelor of Laws (LL.B.)

Admissions

England & Wales - Solicitor

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of Foreign Asset Control (OFAC), the U.K. National Crime Agency, HM Revenue Commissioners (and its forerunner agencies) and the Financial Conduct Authority.

Prior to joining the SFO he was partner and head of the Professional and Financial Regulation Unit in a specialist criminal defence practice in London. As a criminal defence lawyer for almost 15 years, Sacha successfully defended numerous fraud, money laundering and tax evasion trials and other serious and complex organised crime.

During his time at the SFO he was involved in a number of ground breaking cases, including:

- Leading the SFO's then largest ever single investigation consisting of a multi-disciplinary team of over 70 lawyers, investigators, and accountants and engaged with numerous international law enforcement agencies including the USDOJ. The corporate aspect of this investigation was concluded by way of a DPA in January 2017, with what was then the largest ever penalty outside of the USA and was the U.K.'s first tripartite global enforcement;
- Successfully prosecuting the first U.K. DPA, also the first resolution of charges under the transformative new offence in the Bribery Act of corporate failure to prevent bribery, which included extensive engagement with USDOJ, SEC and Financial Conduct Authority on regulatory and AML matters;

A series of other innovative achievements as the Investigative Lawyer or Prosecutor include:

- Central involvement in each of the U.K.'s simultaneous global corporate corruption resolutions whether by prosecution, civil asset recovery or DPA;
- Prosecution of both the first individual and the first multinational company in the U.K. for overseas corruption (which included engagement with USDOJ, SEC and OFAC);
- Prosecuting successfully the U.K.'s first contested overseas corruption case; and
- Deploying the first SFO co-operating offender.

Sacha has worked both independently and in collaboration with the USDOJ in directing the scope and methodology of independent monitoring and compliance remediation imposed as part of bilateral global settlements. In this context he has received reports, assessed companies' remediation and ultimately signed off successful completions. Sacha has experience of leading teams that have assessed compliance programmes in particular testing adequacy and implementation in the context of the Bribery Act.

Sacha's extensive experience of investigating and prosecuting global white collar crime means that he has regularly worked with overseas law enforcement agencies on nearly every continent as a method of securing overseas evidence. As such Sacha is able to counsel clients on the use by U.K. enforcers of foreign evidence or intelligence gathering avenues assessing consequent risks in individual cases.

Other achievements include:

- Sacha was appointed to lead the SFO's engagement in the cross governmental working group which devised the DPA legislative framework, and subsequently appointed to draft the DPA Code of Practice – the primary document setting out how prosecutors will operate the DPA regime.
- Sacha has fulfilled a series of high-profile speaking engagements on behalf of the SFO on corporate investigations, settlements, DPAs and asset recovery, both domestically and internationally, to high-level audiences including the USDOJ, OECD and the United Nations.
- Sacha led the team awarded as Prosecution Team of the Year by the Attorney General of England and Wales, 23 November 2016 in recognition of its work

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securing the first DPA and failure to prevent corruption enforcement. In 2017 the team he led and which concluded the January 2017 DPA was shortlisted for the same award.

- Sacha was honoured by Her Majesty the Queen in the 2018 New Year's Honours List with an MBE (Member of the Most Excellent Order of the British Empire) for services to the Serious Fraud Office, in particular in the investigation and prosecution of fraud, bribery and corruption.

Representative engagements include:

- Instructed by the compliance department of a multi-national company to conduct an internal investigation in respect to fraud allegations.
- Instructed to investigate financial misconduct, health and safety breaches, corruption and corporate governance weaknesses in the sports sector, including whistle blower allegations.
- Instructed by multinational companies with respect to multi-jurisdictional bribery investigations.
- Conducting an internal investigation and advising a multi-national company in the authorised and regulated sector with respect to Proceeds of Crime Act obligations.
- Conducting due diligence and advising on Bribery Act, Proceeds of Crime Act and Criminal Finance Act risks in numerous M&A transactions across various industries and service providers including in the authorised and regulated sectors.
- Advising multi-national companies and law firms on anti-bribery and money laundering compliance and procedures including third party due diligence processes and international sports event sponsorships.
- Advising a multi-national company on its dawn raid response policy and processes across multiple jurisdictions.
- Advising on document production orders and notices, in particular with respect to privilege, scope and relevance.
- Brought civil fraud proceedings, including injunctive relief and committal proceedings against a law firm and its senior partner.

Representative speaking engagements include:

- “The New Normal of Global Enforcement – Recent Developments and Trends”, International Compliance, Legal Risks and Corporate Integrity, C5, Frankfurt, January 2018.
- “Regulatory Developments and the Challenges for D&Os”, D&O Liability Insurance Forum, C5, London, April 2018.
- “Managing bribery and anti-corruption: from investigation to enforcement, compliance to conclusion”, Commercial Disputes Resolution Business Crime Symposium, London, June 2018.
- “The Enforcement Landscape – Past Lessons and Future Prospects”, C5 Anti-Corruption Conference London, June 2018.
- “Insights and the Realities of Cross-Border Investigations”, C5 Anti-Corruption Conference, London, June 2019.
- “Lessons learnt from latest enforcement cases – a focus on compliance programme effectiveness”, Anti-Money Laundering Professionals, London, October 2019.
- “The UK Bribery Act Year in Review: Important Updates on Enforcement Trends, DPAs, Multi-Jurisdictional Coordination and Priorities Moving Forward – An interview of Lisa Osofsky, Director, SFO”, C5 Virtual Anti-Corruption London Conference, 15 September 2020.

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