

Shiv Haria-Shah

Partner | Qualified: 2012



Shiv Haria-Shah is a barrister at Fulcrum Chambers. His practice spans both civil and criminal work and most of his work is international in nature.

He has conducted internal investigations, designed compliance programs and provided training for some of the world's largest companies advising in relation to a wide variety of white-collar crime and regulatory issues, including money laundering, bribery and corruption, tax evasion, sanctions breaches, accounting irregularities, and breaches of FCA regulations.

He acted as counsel to Alstom for over 5 years, including at trial (company acquitted) and in the Court of Appeal.

As well as representing companies in high value commercial disputes, he has also acted as an expert witness on English law and procedure in international arbitrations.

Shiv has also led multidisciplinary teams engaged in advising upon and executing adequate procedures to prevent bribery within the meaning of Section 7 of the UK Bribery Act for multinationals facing investigation by the US Department of Justice, the SFO and Multi-Lateral Development Banks.

Shiv is increasingly engaged in matters relating to reputation management, corporate intelligence and counter-party risk.

Shiv joined Fulcrum from the self-employed bar (Recipient of the Queen Mother Scholarship and Harmsworth Entrance Exhibition from Middle Temple). He has provided on-the-ground advice and support in the USA, China, India, UAE, France, Switzerland, South Africa and the Caribbean.

Shiv is a scholar of Jesus College, Cambridge and represented the university at cricket. He was elected to the Bar Council in 2016, acts as mentor for the Social Mobility Foundation and is a governor of an OFSTED "outstanding" rated Infant and Junior school in North London. He acts as a trusted commercial advisor to a number of start-ups in the healthcare and fashion industries and was

a founding Board Member of an organisation which seeks to improve ties between the UK and India. Prior to the Bar he sat as a magistrate and worked for a member of the Cabinet.

Experience

White Collar Defence & Advisory

Shiv has been instructed over the past 5 years to act for Alstom as part of the largest contested corporate corruption prosecutions in UK legal history.

- Acted as trial counsel to Alstom Network UK – cleared by a UK jury of a conspiracy to corrupt charge concerning allegations that the company paid bribes in Hungary to secure contracts for the Budapest Metro System.
- Acted for Alstom Network UK Limited in its appeal against conviction and sentencing in relation to Tunisia.

Bribery & Corruption

Shiv advises and acts for multinational clients as well as senior individuals on issues relating to bribery and corruption, including in relation to the Bribery Act. He has given expert testimony and been cross-examined in respect of the UK Bribery Act in multiple commercial arbitrations.

Significant experience includes

- Advising on “adequate procedures” pursuant to Section 7 of the UKBA in respect of third party relationships pertaining to over 20 jurisdictions (combined value £X00m+).
- An internal investigation for a Fortune 500 company in Africa in relation to suspected corruption of public officials.
- Training Senior Compliance Personnel and General Counsel as to the conduct of internal investigations in the context of Section 7 of the UKBA.
- Leading three concurrent internal investigations for a leading diversified natural resources producer in relation to business activity in Africa reporting to the Group’s external Auditors.
- Advising on gifts and hospitality policies and procedures in the context of FCA requests.
- Leading concurrent internal investigations pertaining to activity in South Korea, Brazil and China as part of DOJ reporting requirements.

Contentious Regulatory

Shiv advises banks, FinTechs, funds, brokers, NOMADs, other financial institutions and services firms, and senior individuals across a broad range of investigations and contentious regulatory issues including compliance and risk management.

Significant recent experience includes:

- A FinTech in relation to an FCA investigation.
- Advising a client in relation to the adequacy of their policies and procedures, including in relation to FCA principles and rules.
- Advising a listed asset management consultancy and fund manager on certain of its relationships in relation to the Criminal Finances Act 2017.
- An internal investigation for leading FinTech in relation to complex US\$1bn+ financial transactions.
- Conducting face-to-face and remote interactive training and workshops for the Financial Investigations and Suspicious Activity Reporting (“SAR”) teams of one of Europe’s largest banks.
- Advising the Managing Partner of a Private Equity Firm on whistleblowing/disclosures to the FCA.

Extradition & Interpol

Shiv advises clients on extradition (including under the European Arrest Warrant) requests and INTERPOL Red Notices. He has a particular interest in defending politically motivated Red Notices and extradition requests.

Fraud

Shiv advises and represents companies and individuals across a spectrum of matters involving allegations of criminal fraud, including complex fraud, false accounting, and offences under the Fraud Act.

Money Laundering

Shiv advises regulated and non-regulated clients on all aspects of anti-money laundering legislation.

Recent significance experience includes:

- Advising a client as to whether a Suspicious Activity Report (“SAR”) should be filed.
- Advising a FinTech in relation to the adequacy of their money laundering policies and procedures.
- Conducting face-to-face and remote interactive training and workshops for the Financial Investigations and SAR teams of one of Europe’s largest banks.
- Designing an online anti-money laundering training programme for an AIM listed client.

Sanctions

Shiv advises multinational clients on EU and UK sanctions, including providing advice in relation to specific transactions, designing and implementing compliance programs, conducting internal investigations, and managing relationships with regulators.

Significant recent experience includes:

- Advice for a mining client on compliance steps it could take to mitigate any risk of sanctions violations by business partners.
- Advice for a mining client as the implications of UK, US, and EU sanctions on certain historic and contemplated transactions in Africa.

Tax Evasion & Fraud

Shiv conducts investigations and provides advice in relation to the offence of failing to prevent the facilitation of tax evasion.

Recent significant experience includes:

- Advising a listed asset management consultancy and fund manager on certain of its relationships in relation to the Criminal Finances Act 2017.
- Internal investigation for an African telecoms business (reporting to Private Equity Board) where it was suspected that a fraud had been perpetrated on the company by the acting CEO.

Investigations

Shiv has significant experience of conducting internal and regulatory investigations across a wide range of sectors.

Significant experience includes:

- Led internal investigations for Alstom in relation to activity in over 20 jurisdictions.
- Leading three concurrent internal investigations for a leading diversified natural resources producer in relation to business activity in Africa reporting to the Group's external Auditors.
- Leading concurrent internal investigations pertaining to activity in South Korea, Brazil and China as part of DOJ reporting requirements.
- Advising a Caribbean State on an investigation into a potential fraud committed on a national economic development fund in the context of a significant construction project. Advice in relation to reporting to the FBI and DOJ.
- Conducting an internal investigation relating to the activity of the CEO of a Kenyan telecoms business reporting to the Board (multiple Private Equity investors).
- Internal investigation pertaining to theft and bribery in Nigeria for a global Fortune 500 leader in building materials.
- Conducting a multi-jurisdictional internal investigation relating to complex financial transactions for a leading Fintech.
- Advising in relation to an FCA investigation focussing on issues of conflicts of interest and Bribery.
- Training Senior Compliance Personnel and General Counsel as to the conduct of internal investigations.
- Led a team training c.100 employees across the Financial Investigations and Suspicious Activity Reporting functions of a Tier 1 bank.

Tax Investigations

Shiv carries out internal investigations in relation to the offence of failing to prevent the facilitation of tax evasion. He has recently advised a listed Asset Management Consultancy in relation to exposure and compliance with the Criminal Finances Act 2017 and in particular the “failure to prevent” offence.

Remote Investigations

Shiv has an interest in the use of technology in internal investigations and the use of it to conduct remote investigations. He has experience of planning and conducting internal investigations remotely, either in whole or in part, and has also written and delivered training on the topic.

Recent significant experience includes:

- Leading three concurrent internal investigations for a leading diversified natural resources producer in relation to business activity in Africa reporting to the Group’s external Auditors.
- A remote investigation into suspected bribery in Nigeria.
- Training the legal and compliance team of a large French multinational on conducting remote investigations.

Criminal & Regulatory Investigations

Shiv has represented and defended multinational corporate clients in relation to investigations undertaken by a number of government agencies and regulators including the SFO, DoJ and the FCA. He has also provided advice to individuals and corporate clients regarding disclosure and self-reporting to multi-lateral development banks and government and intelligence agencies.

Significant experience includes:

- Acting for Alstom as part of a 5-year investigation by the SFO.
- ENRC in relation to the SFO’s long-running investigation of alleged bribery and corruption in Africa.
- Leading concurrent internal investigations pertaining to activity in South Korea, Brazil and China as part of DOJ reporting requirements.
- Advising a Caribbean State on an investigation into a potential fraud committed on a national economic development fund in the context of a significant construction project. Advice in relation to reporting to the FBI and DOJ.
- Advising in relation to an FCA investigation focussing on issues of conflicts of interest and Bribery.
- Training Senior Compliance Personnel and General Counsel as to the conduct of internal investigations in the context of DOJ plea agreements.
- Led a team training c.100 employees across the Financial Investigations and Suspicious Activity Reporting functions of a Tier 1 bank as part of an FCA remediation programme.

Compliance & ESG

Shiv advises multinational clients on the design and implementation of corporate governance and compliance programmes, including providing workshops and training to compliance teams, senior professionals, and business leaders.

- Leading multidisciplinary teams engaged in advising upon and executing adequate procedures to prevent bribery within the meaning of Section 7 of the UKBA for multinationals facing investigation by the DoJ, the SFO and Multi-Lateral Development Bank.
- Advising on, creating and implementing a bespoke compliance programme (AML; ABC; Sanctions) for a multi-national haulage company.
- Advising a listed Asset Management Consultancy in relation to exposure and compliance with the Criminal Finances Act 2017 and in particular the “failure to prevent tax evasion” offence.
- Implementing “dawn raid” procedures for a market-leading Fintech.
- Advising a household name alcoholic beverages company in relation to several aspects of their compliance programme (AML and ABC) and also with respect to procedures associated with the release of a new product into the Indian market.

Dispute Resolution

- Acting, over a number of years, for a downstream Oil & Gas company in parallel ICC and UNCITRAL arbitrations relating to supply disputes under several gas sales agreements (combined claim value \$200m).
- Advising on bilateral investment treaty claims against a Caribbean nation state.
- Shiv is an accredited civil and commercial mediator and had significant experience of civil and commercial work at the self-employed bar.

Sector Experience

Mining

Shiv has represented and acted for global mining companies, as well as senior mining executives on a wide variety of matters ranging from SFO investigations into bribery and corruption, internal investigations and sanctions advice. He has particular experience of working with clients in the mining sector in Africa.

Oil & Gas

Shiv has extensive experience in the Oil & Gas sector including anti-corruption due diligence and investor-state arbitration.

Significant experience includes:

- Advising an Upstream Oil & Gas company on the acquisition and divestment of interests in blocks in Namibia and Gabon.
- Advising an Upstream Oil & Gas company in relation to JV agreements with a supermajor.
- Advising on ABC policies and procedures for an Upstream Oil & Gas company.
- Acting for a downstream Oil & Gas company in parallel ICC and UNCITRAL arbitrations relating to supply disputes under several gas sales agreements (combined claim value \$200m).
- Advising on bilateral investment treaty claims against a Caribbean nation state.

Engineering, Infrastructure and Transport

Shiv acts for a range of corporate and individual clients operating in the Engineering, Infrastructure, and Transport industry.

- Acted as trial counsel to Alstom Network UK – cleared by a UK jury of a conspiracy to corrupt charge concerning allegations that the company paid bribes in Hungary to secure contracts for the Budapest Metro System.
- Acted for Alstom Network UK Limited in its appeal against conviction and sentencing in relation to Tunisia.
- Acted as external counsel to General Electric Global Investigations Team during the course of the acquisition by GE of the Alstom Power division.
Internal investigation pertaining to theft and bribery in Nigeria for a global Fortune 500 leader in building materials.

Extractives

Shiv has significant experience in the extractives sector, having represented mining and oil & gas companies. He also regularly advises clients on compliance issues, including in relation to money laundering, bribery and corruption, and sanctions. In addition to his white collar work, Shiv also has experience in representing extractives companies in arbitration.

Significant recent experience in the sector includes:

- Concurrent internal investigations for a leading diversified natural resources producer in relation to business activity in Africa.
- Advice for a mining client as the implications of UK, US, and EU sanctions on certain historic and contemplated transactions in Africa.
- Advising an Upstream Oil & Gas company on the acquisition and divestment of interests in blocks in Namibia and Gabon.
- Advising an Upstream Oil & Gas company in relation to JV agreements with a supermajor.
- Advising on ABC policies and procedures for an Upstream Oil & Gas company.
- Acting for a downstream Oil & Gas company in parallel ICC and UNCITRAL arbitrations relating to supply disputes under several gas sales agreements (combined claim value \$200m).
- Advising on bilateral investment treaty claims against a Caribbean nation state.

Financial Services

Shiv advises banks, FinTechs, funds, brokers, NOMADs, other financial institutions and services firms, and senior individuals across a broad range of investigations and contentious regulatory issues including compliance and risk management.

Significant recent experience in the sector includes:

- Led a team training c.100 employees across the Financial Investigations and Suspicious Activity Reporting functions of a Tier 1 bank in relation to AML/CFT and investigations in the context of an FCA remediation programme.
- Implementing “dawn raid” procedures for a market-leading Fintech.
- Conducting a multi-jurisdictional internal investigation relating to complex financial transactions pertaining to Brazil, Switzerland, and the UK.
- Advising in relation to an FCA investigation focussing on issues of conflicts of interest and Bribery.
- Advising a listed Asset Management Consultancy in relation to exposure and compliance with the Criminal Finances Act 2017 and in particular the “failure to prevent tax evasion” offence.
- Acting for the former Managing Partner of a Private Equity Firm.
- Conducting an internal investigation relating to the activity of the CEO of a Kenyan telecoms business reporting to the Board (multiple Private Equity investors).

Logistics & Supply Chain

Shiv has extensive experience acting for companies engaged in logistics and supply chain management.

Significant experience includes:

- Advising on, creating and implementing a bespoke compliance programme (AML; ABC; Sanctions) for a multi-national haulage company.
- Advising a household name alcoholic beverages company in relation to several aspects of their compliance programme (AML and ABC) and also with respect to procedures associated with the release of a new product into the Indian market.
- Conducting an internal investigation pertaining to activity in China for a technology driven logistics business.