

## Rabah Kherbane



Call: 2016

Email: [r.kherbane@doughtystreet.co.uk](mailto:r.kherbane@doughtystreet.co.uk)

### Profile

Rabah practises in all areas of public law, terrorism and homicide cases, sanctions, criminal appeals, public international law, asset recovery, and media cases. He is a specialist in terrorism and national security issues across these areas of practice.

Rabah's previous cases include:

- **Terrorism and homicide:** The *Gray's Inn Bomb plot*; the bomb hoax at the United States Embassy in London; a 'foreign fighter' case based on an alleged confession during ill-treatment in Iraq; the kidnap and torture-killing of a celebrity Turkish DJ in London; several high-profile and complex joint enterprise murder cases including shootings and stabbings. Rabah previously assisted in the representation of two Guantanamo Bay detainees.
- **Public Law:** Challenges to terrorism prevention and investigation measures (TPIMs) and similar proceedings in the High Court; SIAC challenge to deprivation of nationality on the basis of an allegation of people trafficking; judicial review of categorisation or Parole Board decisions for 'terrorist offenders'; judicial review of unlawful police caution issued to political protestor; a successful out of hours application for a writ of *habeus corpus*.

- **Sanctions:** Challenge in Norway to alleged breach of EU sanctions regulations by Russian businessman; advice on compliance for overseas company handling multi-million-pound cryptocurrency transactions; de-listing petition before the UN for alleged membership of proscribed organisation.
- **Criminal appeals:** Court of Appeal judgment taking the law “*one step further*” on the right to a fair trial and permissible judicial comment; successful appeals against conviction and sentence.
- **Public international law:** Proceedings before UN bodies to challenge arbitrary detention of a former Prime Minister of a Gulf State; representation for a US national who waived diplomatic immunity; legal advice on universal jurisdiction for offences in Syria.
- **Financial crime and asset recovery:** Account freezing orders including on foreign bribery and corruption; terrorist account freezing orders engaging public interest immunity; restraint and civil recovery proceedings linked to multi-jurisdictional criminal investigations.
- **Media:** Advice on reporting that may engage Official Secrets Act.

## What the directories say

Recent comments include:

- *“He is bright, articulate and very hard-working, as well as thorough and insightful. Rabah is sought after in cases of the utmost gravity... He is also easy to work with and excellent on his feet”* – Legal 500, 2025
- *“He is really excellent and meticulous in presentation... very precise and methodical”* – Chambers and Partners, 2025
- *“Rabah is a fabulous barrister who is very likeable and clicks with clients very easily”* – Chambers and Partners, 2025
- *“An outstanding advocate with a strategic mind, adept at dealing with the most complex cases”* – Chambers and Partners, 2024
- *“A very powerful advocate, whose command of the law is incredibly impressive. He fights fearlessly for clients”* – Chambers and Partners, 2024
- *“Rabah has a very sharp intellect and comes from a very strong academic background, which shows in his approach to cases and his analysis of the evidence”* – Chambers and Partners, 2024
- *“One of the best juniors around... He works incredibly hard and leaves no stone unturned. His knowledge of the law is second to none”* – Legal 500, 2024
- *“Superb on the law... someone with excellent client care skills”* – Chambers and Partners, 2023

- “One of the outstanding talents of his generation... hugely sought-after” – Legal 500, 2023

## **Background**

Rabah has a BCL (master’s degree) from the University of Oxford, with a specialism in terrorism and national security, human rights, and public international law.

Rabah was the Oxford Bonavero Institute Fellow and then the Bertha Justice Fellow at Reprieve. He worked on terrorism and national security cases, such as the *Third Direction* litigation at the Investigatory Powers Tribunal.

Rabah was also Judicial Assistant to Mr Justice Swift, the judge in charge of the Administrative Court, during which he worked on cases in the High Court and in the Court of Appeal.

## **Education**

BCL (Distinction) – University of Oxford

LLB (First-Class Honours, top in the year) – The City Law School

## **Languages**

French

Arabic

## **Related practice areas**

Administrative & Public Law

Criminal Law

Sanctions

International Law

Public International Law

Criminal Appeals

Business Crime

Extradition

## **Terrorism and Homicide**

Rabah is routinely instructed in high-profile and complex terrorism and homicide trials. Rabah is also instructed in significant cases as leading counsel or as sole counsel. Ranking him as a leading barrister, the Legal 500's most recent directory highlighted "*Rabah Kherbane is regularly involved in major cases at the Old Bailey.*"

### **Examples of recent terrorism cases include:**

- **R v PD** (Old Bailey) – Leading counsel for PD, charged with planting a false IED outside the United States Embassy in London. *Ongoing*
- **R v NC** (Old Bailey) – Leading counsel for NC, charged with dissemination of terrorist publications on a Telegram Channel and possession of explosives manuals. *Ongoing*
- **R v CJ** (Old Bailey) – Junior counsel in terrorism trial on alleged dissemination of terrorist materials on social media platforms. *Ongoing*
- **R v JB** (Old Bailey) – Junior counsel in *Gray's Inn Bomb plot* terrorism trial, where hoax bombs were planted outside a deputy high court judge and King's Counsel's barristers chambers. Case involved covert surveillance evidence and substantial disclosure issues. After a four-month trial, JB was acquitted.
- **R v SH** (Winchester CC) – Junior counsel in terrorism trial on dissemination of terrorist publication offences based on social media use. SH was acquitted.
- **R v KA** (Old Bailey) – Junior counsel in terrorism trial where young defendant charged with having a machete for terrorist purposes and dissemination of terrorist publications. Complex legal arguments on admissibility of mindset material concerning five proscribed organisations, including ISIS, Taliban, and Al Qaeda. Called expert evidence on theology. After a three-week trial, KA was acquitted.
- **R v AA** (Newcastle CC) – Terrorism trial (Newton) on dissemination and collection of terrorist materials. Successful outcome.
- **R v AH** (Manchester CC) – Terrorism case raising complex/novel issues of law on management of Registered Terrorist Offenders under Pt 4 of the Counter-Terrorism Act 2008. Following interlocutory appeal, "*exceptional*" community order imposed for previous member of proscribed organisation.

### **Examples of recent homicide cases include:**

- **R v MI** (Old Bailey) – Junior counsel in murder trial on joint enterprise shooting involving eight defendants. Alleged planned execution. *Ongoing*
- **R v TM** (Old Bailey) – Junior counsel in murder trial on joint enterprise shooting with seven defendants. Spontaneous shooting. *Ongoing*

- **R v MS** (Old Bailey) – Murder trial where defendant suffering from dementia alleged to have killed his mother. Complex fitness and causation issues. *Ongoing*
- **R v TD** (Old Bailey) – Junior counsel in missing body murder trial. Linked to attempted murder of police officer. *Ongoing*
- **R v MR** (Old Bailey) – Junior counsel in murder trial where 14-year-old charged with joint enterprise stabbing at a birthday party. *Ongoing*
- **R v HS** (Old Bailey) – Junior counsel in murder trial where 17-year-old charged with stabbing of local drug dealer. HS asserted self-defence. Complex medical, pathologist, and toxicologist evidence. HS acquitted on murder and manslaughter.
- **R v IR** (Cambridge CC) – Junior counsel in murder trial where 16-year-old charged with murder. IR was acquitted on murder and manslaughter.
- **R v PMK** (Old Bailey) – Junior counsel in murder trial concerning torture-killing of celebrity Turkish DJ. PMK was acquitted on murder and manslaughter.
- **R v MI** (Reading CC) – Leading counsel for MI, charged with assisting an offender in murder investigation, where his brother stabbed a boy in an ongoing feud in Slough. MI arranged a safehouse, tickets to Somalia, and transport to airport for his brother. Case featured in Channel 4 documentary ***Catching a Killer: A Stab in the Dark***. Dubbed one of Thames Valley Police’s “*largest murder investigations*.” MI was acquitted.
- **R v CB** (Old Bailey) – Junior counsel in murder trial where CB charged with murder and conspiracy to pervert the course of justice. CB was the first defendant on the indictment in a seven-handed case, with cutthroat defence from a co-defendant. After a three-month trial, CB was acquitted.
- **R v HN** (Old Bailey) – Leading counsel in three-month murder and attempt murder trial. HN, a music artist, was charged with perverting the course of justice by assisting in disposal of vehicle used in the double shooting. Complex legal arguments on alleged gang membership and prosecution reliance on rap music as evidence. After a three-month trial, HN was acquitted.
- **R v KK** (Old Bailey) – Junior counsel in attempt murder and possession of a firearm with intent to endanger life trial. Alleged group hunt of victim, and point-blank shooting with sawn-off shotgun, captured on CCTV. Complex legal arguments under the Investigatory Powers Act 2016, and on confession and ID evidence. KK was acquitted.
- **R v JG** (Old Bailey) – Joint enterprise attempt murder trial. Arrest operation involved 65+ counter terrorist specialist firearms officers. Framed by a dishonest complainant. JG was acquitted.

Rabah has also successfully represented clients in lengthy, multi-handed, high-profile, and complex cases for other grave offences.

## Recent examples include:

- **R v NN** – Represented high-profile music artist charged with drugs trafficking offences. *Ongoing*
- **R v SD** – Represented man charged with stabbing the Finsbury Park Mosque terrorist in alleged revenge attack in prison. *Ongoing*
- **R v IM** – Represented defendant charged with organising the gunpoint armed robbery conspiracy of the celebrity and former boxing world champion Amir Khan. Prosecuted by KC and Junior. IM was acquitted.
- **R v CM** – Represented defendant charged with transfer of firearms linked to contract killings in seven-handed trial. Prosecuted by KC and Junior. CM was acquitted.
- **R v HA** – Represented defendant in stabbing outside Stepney Green Underground Station. HA was acquitted.
- **R v MM** – Represented victim of trafficking charged with drugs trafficking offences. MM was acquitted.
- **R v SMG** – Represented young woman charged with conspiracy to traffic drugs and firearms. SMG was acquitted.
- **R v SM** – Represented defendant charged with firearms offences. Prosecution relied on DNA and fingerprint evidence, and SM's presence where firearm was found. SM was acquitted.

## Administrative and Public Law

Rabah practises in all areas of public law, with a focus on judicial review cases relating to terrorism, national security (such as challenges to TPIMs and proceedings in SIAC), prison law, and criminal justice issues. He is a specialist in terrorism-related proceedings that give rise to national security sensitive material.

Rabah has a track record of successful public law challenges. He is regularly instructed to challenge decisions made by law enforcement authorities, the Parole Board, the prison service, first instance courts, and other public bodies.

Rabah has advised clients including international organisations and charities on statutory obligations/powers under terrorism legislation and sanctions regulations, including where challenges are available to them.

## Examples of recent cases include:

- ***The Commissioner of Police of the Metropolis v MH*** – Leading Counsel for MH in an application for a terrorism notification order under Schedule 4 of the Counter-Terrorism Act 2008. The case raises issues of statutory construction, fair trial rights in an autonomous foreign jurisdiction, and reliability of a “*confession*” to being a member of ISIS in the context of lack of mental capacity and ill-treatment. *Ongoing*
- ***GG v Secretary of State for Justice*** – Judicial review of refusal to downgrade Category A security categorisation. *Ongoing*
- ***JC v Ministry of Justice*** – Challenge to lawfulness of licence recall of “*extremist*” offender and claim for false imprisonment following successful release by Parole Board. *Ongoing*
- ***G4 and G5 v Secretary of State for Home Department*** – Junior counsel in SIAC appeal against Home Office decision to deprive G4 of his UK nationality on grounds raising national security issues. Complex two-handed case. *Ongoing*
- ***MK v The Parole Board*** – Proceedings on categorisation of inmate convicted of terrorist offences. *Ongoing*
- ***SM v Secretary of State for Justice*** – Successful challenge to refusal to recommend downgrade of security categorisation for high-profile Category A ‘terrorist offender.’ SM was downgraded to Category B.
- ***JNM v Governor of HMP Lewes*** – Application for writ of *habeus corpus* granted by out of hours judge.
- ***PCR*** – Junior counsel in advice on whether a change in law concerning complex competition law and litigation funding provisions is human rights compliant. Opinion used in House of Lords.
- ***PA v West Midlands Police*** – Judicial review of unlawful police caution issued to political protestor. Caution quashed.
- ***DF v Metropolitan Police*** – Judicial review of unlawful police caution issued to young man alleged to have assaulted his father. Caution quashed. Metropolitan Police apologised and implemented individual learning points for all officers involved.
- ***NVT v Secretary of State for Justice*** – Successful challenge to the Probation Service’s decision to recall a victim of human trafficking.
- ***X v SRA and Y*** – Represented the Interested Party, Y, in challenge related to Solicitors Regulatory Authority investigation for alleged disclosure of sensitive information to a client convicted of murder. Successful outcome for Y.
- ***Vitalis v SRA and AH*** – Represented AH, the Interested Party and a practising solicitor, in Claimant’s judicial review of Solicitors Regulatory Authority decision not to investigate misconduct. Claim was successfully dismissed.

- **GMC v Surrey Police** – Challenge to police failure to properly investigate a half million-pound fraud within an NHS medical practice by an employee. Investigation re-opened.
- **LL v CPS** – Judicial review of decision to prosecute a 15-year-old for possession of a kitchen knife when found self-harming outside her foster home. Prosecution discontinued.
- **CL v CPS** – Judicial review of decision to prosecute 14-year-old for supply of Class C drugs at her School which resulted in hospitalisation of several pupils. Prosecution discontinued.

## Sanctions

Rabah advises individuals and corporate entities on sanctions, including those facing enforcement for alleged sanctions breaches. Rabah has experience of UN and EU sanctions regulations, counter-terrorism sanctions, and the sanctions regimes relating to Russia and Syria.

Rabah has been instructed in sanctions-related challenges both in the UK and abroad. Rabah has also been instructed in petitions for de-listing. He has challenged UN and EU listings for individuals sanctioned on the basis of alleged membership to proscribed organisations.

### Examples of recent cases include:

- **RL** – Compliance advice for law firm. Counter-terrorism sanctions.
- **AM** – Compliance advice for law firm. Counter-terrorism sanctions and proscription.
- **LL** – Company directors. Cryptocurrency transactions allegedly traded with companies in Russia and other listed companies. Russia sanctions.
- **GG** – Licence advice for individual. Russia sanctions.
- **AY** – Russian businessman prosecuted for breach of EU sanctions regulations for flying a drone whilst on holiday.
- **Case 97** – Petition for de-listing at the UN on behalf of alleged member of international proscribed organisation.
- **UJ (1)** – Advice on Magnitsky sanctions related to activities in Syria.

## Criminal Appeals



Rabah is regularly instructed to advise on fresh appeals against conviction (including CCRC referrals) and sentence. He is experienced in appeals to the Court of Appeal, the Supreme Court, the Privy Council, and the European Court of Human Rights.

Rabah has obtained exceptional results in appeals and has advised on miscarriages of justice for historic convictions.

### **Examples of recent cases include:**

- **R v WM** – Fresh appeal in terrorism case considering new evidence of autism spectrum disorder for young person. *Ongoing*
- **R v SA** – Fresh appeal against historic conviction in the Privy Council. *Ongoing*
- **R v YX** – Interlocutory appeal on statutory construction of provisions within terrorism legislation. *Ongoing*
- **R v XY** – Fresh appeal against terrorism conviction for offence of preparation of terrorist acts. *Ongoing*
- **R v CD** – CCRC application on historic murder conviction. *Ongoing*
- **R v AL** – Fresh appeal against murder conviction considering new medical evidence. *Ongoing*
- **R v MM** – Fresh appeal against murder conviction, raising issues of jury irregularity. *Ongoing*
- **Findlay** [2024] EWCA Crim 313 – Successful fresh appeal against sentence of 18 years' imprisonment after trial judge wrongly categorised offence. The court confirmed "elevated risk" is required for higher harm in sentencing firearms offences.
- **R v BD** [2024] EWCA Crim 1040. – Appeal on statutory construction of the new statutory public nuisance offence.
- **R v BNN** [2024] EWCA Crim 991 – Fresh appeal against conviction for victim of trafficking
- **R v MO** [2023] EWCA Crim 1021 – Fresh appeal against murder conviction for 18-year-old who was sexually assaulted by the deceased at time of stabbing him.
- **J v Greece** [2023] – Successful appeal against conviction in Greece, for UK national convicted of murder and manslaughter. Applying international law standards on children's rights and right to a fair trial.
- **Davidson** [2022] EWCA Crim 895 – Applications for a sexual harm prevention order must not "go through on the nod" and must be properly presented and properly considered. Full reasons must be given for the imposition of any such order.
- **Brown** [2022] – Successful appeal against sentence for sexual offences. *Ex tempore*.
- **White** [2021] EWCA Crim 141 – Successful appeal against sentence for supply Class A drugs, resulting in immediate release. Novel point on use of licence conditions to allow

immediate release on sentence reduction.

- **Awil** [2020] EWCA Crim 1802 – Recently released judgment. Significant case on the right to a fair trial and permissible judicial comment. Court agreed there had been a failure of fair process and quashed conviction for firearms offences. Court of Appeal agreed that, “*an appearance of advocacy on behalf of the prosecution is never appropriate...No judge should appear to enter into the arena. They should be seen to remain the impartial arbiter throughout. That is the essence of being a judge.*”
- **Omar** [2020] EWCA Crim 684 – Successful appeal against sentence of 7 years’ imprisonment. Court confirmed correct approach to offer to supply offences.
- **Thomas** [2019] EWCA Crim 2426 – Appeal on a point of law in relation to use of untested hearsay evidence during an assessment of dangerousness.

## Public International Law

Rabah has a strong background in public international law, having both taught and assisted on research at the University of Oxford on issues of state responsibility.

Rabah has acted on sensitive public international law cases. He has advised and represented individuals, non-governmental organisations, international organisations, and foreign government officials. Rabah regularly advises on the interpretation and application of international treaties. He also advises on compliance with international human rights law obligations.

Rabah is experienced in the use of international law mechanisms to progress a case, including applications before UN bodies and Special Rapporteurs, and proceedings in international, regional, and overseas/domestic courts.

Rabah also has experience in international humanitarian law and international criminal law, including in proceedings before international criminal courts, for example having acted in the *Karadzic* case at the International Criminal Tribunal for the former Yugoslavia.

### Examples of recent cases include:

- **AA** – Acted for US diplomat who waived immunity.
- **AS** – Acted for a former Prime Minister of a Gulf State.
- **YA** – Acted for company director linked to Russia officials in EU sanctions prosecution.
- **GG** – Acted for UK national challenging her arbitrary detention in a Gulf State.

- **TA v UK** – Acted as *amicus* in extradition proceedings in Italy on whether detention at HMP Wandsworth in London complied with international human rights standards.
- **A v France** – Acted for French lawyer seeking to challenge prohibitions on practice under Articles 6, 8, and 10 at the European Court of Human Rights.
- **M v UK and US** – Acted for US national seeking to challenge his extradition under Articles 2 and 3 by seeking injunctive relief at the European Court of Human Rights.

## Financial Crime and Asset Recovery

Rabah has expertise in proceeds of crime cases, including restraint, confiscation, and civil recovery. He has experience of POCA/asset recovery cases engaging multi-jurisdictional and multi-million-pound criminal investigations. He has successfully argued the discharge of all assets orders.

Rabah has advised on high-profile and sensitive investigations concerning bribery, corruption, sanctions, and terrorism allegations.

Rabah is regularly instructed in cases concerning all assets orders, account freezing orders and terrorist account freezing orders.

### Examples of recent cases include:

- **DJ** – Acting in proceedings related to £2m+ cryptocurrency fraud and money laundering. *Ongoing*
- **BA** – Challenge to a terrorist account freezing order raising issues of PII and non-disclosure. *Ongoing*
- **MR** – Challenge to an account freezing order based on allegations of bribery and corruption in Egypt/Gaza. *Ongoing*
- **TT** – Acting for company director and company in forfeiture proceedings. *Ongoing*
- **DD** – Acting for company director and company in forfeiture proceedings concerning cash-based business. *Ongoing*
- **RS** – All assets restraint order. Successful application to vary to permit access to personal accounts.
- **T Ltd** – Account freezing order proceedings. Discharged.
- **SS** – All assets restraint order including company accounts. Discharged.
- **AF** – All assets multi-jurisdictional restraint order. Successful application to vary to permit access to personal accounts.

- **NU** – Advice on internal corruption, bribery, and money laundering for regulated public body.

## Media

Rabah accepts instructions in all media and information law cases, including defamation, privacy, data protection, and open justice matters.

Rabah has advised on reporting that may engage the Official Secrets Act. He has expertise on issues related to reporting restrictions and in contempt proceedings.

## Extradition

Rabah has experience in the broad range of issues in extradition proceedings and appeals including fresh evidence appeals. Rabah has successfully argued points related to suicide risk, prison conditions under Article 3, and under Article 8.

Rabah has represented clients in extradition cases involving a range of jurisdictions, including Spain, Hungary, Italy, Romania, Lithuania, and the US; and relating to offences from million-pound fraud and money laundering, to murder, manslaughter, and allegations of membership to proscribed terrorist organisations.