



Russell Hopkins

Call 2018

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Russell is a sought-after barrister with a busy practice specialising in business and human rights litigation, collective redress and CPR Part 19, corporate liability, international criminal law and jurisdiction disputes.

Russell's practice lies at the intersection between civil and criminal wrongdoing with a strong international slant. He is a thoughtful and creative barrister who does not flinch during the difficult moments that litigation can present. He has extensive experience in complex cases before international criminal tribunals, at trial and on appeal.

Before transferring to the Bar in 2018, Russell qualified as a solicitor in 2008, practising at Herbert Smith Freehills. He worked on large-scale commercial disputes and corruption cases, as well as claims and regulatory investigations in the wake of the 2008 financial crisis.

Russell was judicial assistant to Lord Collins and Lord Wilson at the UK Supreme Court in 2010-2011, and an expert legal adviser to the Cambodian Trial Chamber judges at the so-called 'Khmer Rouge Tribunal'.

Russell accepted an invitation to join TGC as a tenant in 2021. He is involved with academic research projects related to his areas of expertise at the University of Oxford ([civil liability for human rights violations](#)) and the University of Amsterdam (on [secondary liability for international crimes](#)).

Expertise

Business & Human Rights

Russell is instructed in pioneering business and human rights litigation. He publishes and speaks regularly in his specialist area.

Notable Business & Human Rights cases

Município de Mariana & Others v BHP Group Plc & BHP Group Ltd [2022] EWCA Civ 951



[2022] EWCA Civ 951 – acting for more than 200,000 Brazilian claimants (including individuals, municipalities, businesses, utility companies, churches, and indigenous communities) in proceedings brought against BHP Group following the worst environmental disaster in Brazil’s history, the collapse of the Fundão Dam in November 2015. The defendants are two companies at the head of the corporate structure which owned and operated the dam. The defendants’ jurisdiction challenge was heard in July 2020 and succeeded: [2020] EWHC 2930 (TCC). Permission to appeal was been granted on 15 grounds of appeal following a rare challenge to the refusal of permission to appeal pursuant to CPR 52.30. The Court of Appeal allowed the claimants’ appeal in July 2022.

Viegas, Sanches & Others v Cutrale & Others [2021] EWHC 2956 (Comm)

Acting for some 1,500 Brazilian orange farmers in a high-value damages claim against alleged cartelists (individuals and a corporate defendant) involved in the international orange juice export market. The defendants’ jurisdiction challenge raised issues of domicile, service and/or whether the English claim should be stayed in favour of Brazil. The claimants successfully resisted the jurisdiction challenge by two of the three defendants.

World Uyghur Congress v The Home Office and Others

Instructed in a judicial review to challenge the UK government’s decision not to investigate whether cotton goods imported to the UK are connected with alleged forced labour camps in the Xinjiang region and therefore the proceeds of crime.

Re a mine in Central America

Acted for indigenous communities alleged to be harmed by pollution from a mine that neighbours a protected reservation.

Re a major retailer

Instructed in relation to civil proceedings in respect of abuses in the garment supply chain

Re a mine in East Africa

Instructed in relation to potential civil proceedings in respect of alleged human rights abuses connected with a major mining project.

Re an oil field in central Africa

Advised on proceedings (jurisdiction, liability, causation and damage) and procedural issues following a spill



in central Africa.

Re a factory in England

Acting for dozens of residents in a claim for private nuisance alleged to be caused by noise and odour emissions from a local factory.

Re a factory in England

Acting for residents in a claim for private nuisance alleged to be caused by odour emissions from a waste facility.

Re a factory in England

Acting for residents in a claim for private nuisance alleged to be caused from odour emissions from a food production factory.

International Law

Russell has acted on a range of international cases, and domestic cases that raise issues of public international law and international criminal law.

Notable International Law cases

Case 002, Extraordinary Chambers in the Courts of Cambodia

Expert legal adviser to Cambodian judges of the Trial Chamber, a role funded by the Federal Republic of Germany. The trial concerned charges of crimes against humanity, grave breaches of the Geneva Conventions and genocide.

United Nations administrative proceedings

Instructed to assist an administrative judge appointed by the United Nations to determine fees disputes between a tribunal and defence counsel.

Post-conviction proceedings at an international tribunal

Assisting a defendant in relation to post-conviction proceedings.



Re liability of corporate actors for atrocities in Yemen

Advising on alleged responsibility of corporate actors for alleged complicity in war crimes in the Yemen conflict, including in respect of the use of cluster munitions and the liability of legal persons.

Prosecutor v Vlastimir Đorđević

Part of the defence team representing the former Chief of Police of the Republic of Serbia on appeal.

Prosecutor v Dragoljub Ojdanić

Part of the defence team representing the former Chief of Staff of the Federal Republic of Yugoslavia at trial and on appeal.

Prosecutor v Radislav Krstić

Represented the former Chief of Staff of the Drina Corps following an attack on him in an English prison in proceedings before the President of the ICTY and the Council of Europe; part of the defence team acting in contempt proceedings following a refusal to testify in another trial.

While at Herbert Smith Freehills LLP

Russell was part of the team instructed by interveners in appeals to the House of Lords in R (on the application of Al-Jedda) v Secretary of State for Defence (whether powers of detention pursuant to UN Security Council resolutions were consistent with Article 5 ECHR); and RB (Algeria) v Secretary of State for the Home Department (deportation, the risk of torture and the weight to be given to diplomatic assurances).

Collective Redress

Russell is ranked in Chambers & Partners as a leading junior for group litigation. Recent instructions include the following.

Notable Collective Redress cases

[Município de Mariana and oths v BHP Group Plc and BHP Group Ltd \[2022\] EWCA Civ 951](#)

Acting for more than 200,000 Brazilian claimants (including individuals, municipalities, businesses, utility companies, churches, and indigenous communities) in proceedings brought against BHP Group following



the worst environmental disaster in Brazil's history, the collapse of the Fundão Dam in November 2015. The defendants are two companies at the head of the corporate structure which owned and operated the dam. The defendants' jurisdiction challenge was heard in July 2020 and succeeded: [2020] EWHC 2930 (TCC). Permission to appeal was been granted on 15 grounds of appeal following a rare challenge to the refusal of permission to appeal pursuant to CPR 52.30. The Court of Appeal allowed the claimants' appeal in July 2022.

[Viegas, Sanches and others v Cutrale and others \[2021\] EWHC 2956](#)

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Re Emissions litigation

Acting on claims against multiple vehicle manufacturers, finance companies and car dealerships in claims related to the so-called 'diesel-gate' scandal. The claims allege that vehicles contain unlawful defeat devices within the meaning of Article 5(2) of EC Regulation 2007/715.

[Harcus Sinclair LLP and another v Your Lawyers Ltd \[2021\] UKSC 32](#)

Acting for the successful appellant following the Court of Appeal's decision to discharge an injunction to prevent a law firm acting in group litigation concerning the Volkswagen emissions scandal. The appeal raised issues in respect of covenants in restraint of trade and the enforcement of solicitors' undertakings.

[Commission Recovery Limited v Marks & Clerk LLP](#)

Acting for defendants to a claim in the Commercial Court under CPR 19.6 involving alleged breaches of fiduciary duties.

[Case 002, Extraordinary Chambers in the Courts of Cambodia](#)

Expert legal adviser to Cambodian judges of the Trial Chamber, a role funded by the Federal Republic of Germany. This was a criminal case that included participation by over 4,000 civil parties, with novel procedures developed to manage and determine claims for collective and moral reparations following the conviction of accused for crimes committed under the Khmer Rouge regime between 1975 and 1979.

Environmental Law



Russell is instructed on some of the largest environmental claims before the English courts.

Notable Environmental Law cases

[Município de Mariana and oths v BHP Group Plc and BHP Group Ltd \[2022\] EWCA Civ 951](#)

2022] EWCA Civ 951 – acting for more than 200,000 Brazilian claimants (including individuals, municipalities, businesses, utility companies, churches, and indigenous communities) in proceedings brought against BHP Group following the worst environmental disaster in Brazil’s history, the collapse of the Fundão Dam in November 2015. The defendants are two companies at the head of the corporate structure which owned and operated the dam. The defendants’ jurisdiction challenge was heard in July 2020 and succeeded: [2020] EWHC 2930 (TCC). Permission to appeal was been granted on 15 grounds of appeal following a rare challenge to the refusal of permission to appeal pursuant to CPR 52.30. The Court of Appeal allowed the claimants’ appeal in July 2022.

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Acted for indigenous communities alleged to be harmed by pollution from a mine that neighbours a protected reservation.

[Re a factory in England](#)

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[Re a factory in England](#)

Acting for residents in a claim for private nuisance alleged to be caused by odour emissions from a waste facility.

[Re a factory in England](#)

Acting for residents in a claim for private nuisance alleged to be caused from odour emissions from a food production factory.

Costs & Litigation Funding

Many of the cases on which Russell is instructed involve issues and advice relating third-party litigation funding and costs (including security for costs). Russell is familiar with the commercial reality of litigating complex cases and the risks this can present.

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Notable Costs & Litigation Funding cases

Viegas, Sanches & Others v Cutrale & Others

Acting for claimants in relation to security for costs application.

Commercial

Russell qualified and practised as a solicitor at Herbert Smith Freehills from 2006 until 2014. Cases on which he acted included:

- junior counsel role in first (UK) regulatory case against a major bank for alleged bad lending decisions;
- junior counsel role defending a \$100 million claim in England for a major investment bank;
- defending a \$15 million contractual claim (LCIA arbitration) for major oil company;
- junior counsel challenging an arbitration award before English court;
- written submissions (Swiss arbitration) on the legal effect of widespread corruption on a contract; and
- written submissions (Cyprus) pleading torts of lawful and unlawful act conspiracy; and
- sole counsel opposing application for pre-action disclosure, resulting in a successful costs order.

Since transferring to the Bar, Russell has continued to be instructed on commercial matters.

Notable Commercial cases

Commission Recovery Limited v Marks & Clerk LLP

Acting for defendants to a claim in the Commercial Court under CPR 19.6 involving alleged breaches of fiduciary duties and questions as to the validity of assignments.



Appointments

- Legal Action Committee of the Global Legal Action Network
- List of Defence Counsel approved by the Registrar of the Residual Mechanism for Criminal Tribunals based in The Hague, The Netherlands, and Arusha, Tanzania (United Nations)
- List of Defence Counsel approved by the Registrar of the International Criminal Court in The Hague, The Netherlands
- Crown Prosecution Service's General Crime Advocate Panel, Level 1

Education

- LLM in Advocacy (Distinction), Strathclyde University (2013)
- Legal Practice Course (Distinction), BPP Law School (2005)
- Post-Graduate Diploma in Law (Commendation), City University (2004)
- BA, Keble College, University of Oxford (2003)

Memberships

- Gray's Inn
- South Eastern Circuit
- JUSTICE
- British Institute of International & Comparative Law – HRDD Forum
- CORLA