

**Mandates of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights**

Ref.: AL GBR 5/2025  
(Please use this reference in your reply)

9 May 2025

Excellency,

We have the honour to address you in our capacities as Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, pursuant to Human Rights Council resolutions 52/17, 51/21 and 54/15.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received the negative impact on human rights of sanctions imposed by the United Kingdom on 28 February 2022,<sup>1</sup> on Bank Otkritie Financial Corporation PJSC for their ties with the Russian Central Bank. Bank Otkritie was later bought by BTБ (VTB) Bank in January 2025, an entity also on the sanctions list. The sanctions have had negative consequences on Mr. [REDACTED].

According to the information received:

Mr. [REDACTED] is a citizen of [REDACTED]. He has been in remission for two years from cancer following treatment. Mr. [REDACTED] held his private savings on Otkritie Broker Ltd (Cyprus) and Sova Capital Ltd (UK) (prime broker).

On 28 February 2022, the UK Office of Financial Sanctions Implementations (OFSI) imposed financial sanctions and an asset freeze on Bank Otkritie Financial Corporation PJSC, the owner of Otkritie Broker Ltd under reference RUS0254. The sanctions listing led to the freezing of bank assets, preventing all clients, including Mr. [REDACTED] from accessing their personal savings. Hence, he lost access to his funds, which had been essential for *inter alia* covering his medical treatment for cancer. Since then, Mr. [REDACTED] was forced to finance his medical expenses and daily living expenses through borrowed funds from family and friends, creating an unstable financial environment for him.

The UK Office of Financial Sanctions Implementation's (OFSI) reported justification for this action was that Bank Otkritie Financial Corporation PJSC (hereafter 'Otkritie') was the only bank of systematic importance was owned by the Central Bank of Russia (CBR). Otkritie is one of the largest banks in Russia with assets of approximately 3.2 trillion Rubles (3% of the total assets in the

---

<sup>1</sup> [FCDO - UK Sanctions List Search - GOV.UK](#)

financial sector). According to this same justification, Otkritie supports and obtains a benefit from the Government of Russia, and also carries on business of economic significance to the Government of Russia, namely business in the Russian financial services sector <sup>2</sup>

On 3 March 2022, a Special Administrator was appointed by a Court to Sova Capital Ltd, the only prime broker of Otkritie Broker Ltd.

On 13 May 2022, Mr. ██████ reached out to Sova Capital to inquire about possible steps to be taken in order to obtain his funds and unfreeze his assets. In response on 19 May 2022, he was told that Sova Capital has no contractual obligation with him and that he should reach out to Otkritie Broker Ltd to obtain a response from his queries.

On 7 June 2022, Mr. ██████ received a letter from Otkritie Broker Ltd informing him that as the bank faces a total freezing of its accounts, it is not able to distribute client assets. Otkritie additionally informed him that they had applied for a specific transactional license which would allow them to return client assets. It is not clear whether this license was approved. In addition, they informed Mr. ██████ that the Special Administrator (Sova Capital) was not able to execute any order related to client assets.

On 8 December 2022 and 17 January 2023, Mr. ██████ submitted an application to the OFSI (reference number INT/2023/2832376) requesting a license to access frozen assets for medical expense. In the same process, he requested authorization to terminate all connections with the sanctioned entity.

On 12 October 2024, OFSI reached out to Mr. ██████ claiming that “the asset freeze prohibitions are not engaged, and the UK financial institution does not need to freeze the funds it has received.” For this reason, they denied him an individual license, but granted him a general one (INT/2023/3566356), in case it would be helpful when engaging with Sova Capital.

On 22 October 2023, after liaising with Sova Capital, Mr. ██████ was informed that the general license did not apply in his case as under the UK sanctions regime they could not engage with any money from a sanctioned entity.

Due to the above, on 24 October 2023, Mr. ██████ reengaged with OFSI and asked for his application for an individual license to be reconsidered. The new application number would be INT/2023/2598320.

On 20 July, 6 August, and 7 November 2024, Mr. ██████ escalated his complaint by writing to the Office of the Chancellor of the Exchequer, urging this UK Government Office to address the delays since his original filing and to approve his licence application.

---

<sup>2</sup> OFSI, Consolidated List of Financial Sanctions Targets, Update of 27 March 2025

On 13 August 2024, Mr. [REDACTED] received a follow-up email from OFSI acknowledging it was still pending and explaining that a backlog and urgent cases have made it difficult for applications to be processed. On the same email, Mr. [REDACTED] was informed that his case had been escalated and was now considered to be under active consideration. In addition, he was informed that he should receive an update by mid-September and that he would be kept informed as the situation develops.

On 15 August 2024, Mr. [REDACTED] responded to this email by restating his desire to close the account and reaffirming his health situation. This email was acknowledged on 16 August 2024 by OFSI.

On 14 November 2024, Mr. [REDACTED] sent another email to OFSI explaining his situation and his status as a cancer patient, hence his need to access his funds. This email went unanswered by OFSI.

Since this last exchange, Mr. [REDACTED] has not received any further information on his case.

While we do not wish to prejudge the accuracy of the information received, we wish to draw your Excellency's Government's attention to the above reported impact of the enforcement of unilateral sanctions on financial institutions which hold and manage financial assets and property of individuals and/or entities. It is important to note that the negative implications of sanctions-related restrictions imposed on financial institutions directly affect individuals or entities which are not directly targeted by such measures. In the case of Mr. [REDACTED], the blocking of his financial assets reportedly prevents him from accessing the necessary resources for medical treatment among other needs, which is a direct violation of his human right to timely and appropriate health care and to an adequate standard of living under international human rights law, in particular articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights. The decision to administratively freeze the accounts and financial assets of clients who are not under investigation or charged with alleged crimes may also contravene relevant provisions of the International Covenant on Civil and Political Rights, such as articles 14 and 15, on due process and fair trial guarantees.

Furthermore, the received information on Mr. [REDACTED] case demonstrates vividly the legal and procedural complexities triggered by sanctions administrative decisions and enforcement, with tangible repercussions on peoples' lives and with limited space for appeal and effective and timely redress.

The Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights has maintained a principled position about the illegality under international law of the majority of unilateral sanctions and their detrimental negative effects on human rights. She has clearly demonstrated that such measures as well as public statements indicating intention to enforce them may exacerbate fear and uncertainty resulting in excessive de-risking and overcompliance, including by financial institutions. Furthermore, it is important to stress that the adverse effects of the enforcement of unilateral sanctions and over-compliance may be extended beyond the actual primary targets of such measures, broadening the scope and amplifying the intensity of their negative impact, with no available means for appeal and

for accessing effective remedy. This may apply to Mr. [REDACTED] who is currently facing risks to his health and livelihood because of the imposition of sanctions on the financial institutions where his financial assets are held.

We wish to express our concern at the reported information that Mr. [REDACTED] is currently experiencing sanctions-related restrictions without evidence of any wrongdoing or criminal act from his side. We are also seriously concerned about the inability of Mr. [REDACTED] to obtain a response from OFSI and the Office of the Chancellor of the Exchequer or other competent authorities regarding his application to access funds and terminate his account.

Mr. [REDACTED] reported inability to access remedies and to appeal for the review of the imposed restrictions, may be considered a violation of his human rights to due process and fair trial guarantees, while any prolongation of these restrictions may seriously violate his rights and well-being.

In her thematic and country-specific work, the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights has regularly raised concerns about the adverse effects of unilateral sanctions and their means of enforcement on the access to justice by any target of such measures (states, legal entities, or physical persons). She has particularly highlighted challenges in legal representation and defense, access to information, inconsistencies in or complete lack of review process, absence of clear legal framework based on which such measures are decided and enforced, and the overall impediments to access an effective remedy in the absence of any charge against him.

We also wish to highlight to your Excellency's Government that seizure of goods resulting from the decisions taken by the UK authorities is reported to negatively impact Mr. [REDACTED] right to property under article 17 of the Universal Declaration of Human Rights.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the measures undertaken by your Excellency's Government and competent governmental institutions to ensure the right of Mr. [REDACTED] to appeal the encountered financial restrictions as a result of the sanctions designation of the financial institution holding his financial assets.
3. Please clarify whether the asset freeze Otkritie extends to [REDACTED] assets held in a UK financial institution.

4. Please also explain the available means and procedures for an effective appeal and remedy in similar to Mr. ██████████ cases, in accordance with due process international law standards and safeguards against collective punishment.
5. Please explain the reason for the reported absence of any action by the UK Office of Financial Sanctions Implementations (OFSI) and/or the Office of the Chancellor of the Exchequer, despite Mr. ██████████ numerous communications.
6. Please provide information on any response, if available, by competent UK authorities, to Mr. ██████████ appeal for accessing his assets. Please provide relevant details about the content and main arguments of such a response. If a response was not provided or not substantiated by evidence, please explain the reason why.
7. Please provide any information on any measures undertaken to promptly address the reported situation experienced by Mr. ██████████ which adversely affects his rights, including the right to health and the right to life.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations, by promptly examining Mr. ██████████ case and undertaking all necessary action to ensure his access to his financial assets. In addition, we urge that, if the allegations in relation to the unresponsiveness of the competent authorities prove to be correct, that necessary actions are taken to resolve it.

Please accept, Excellency, the assurances of our highest consideration.

Attiya Waris

Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

Tlaleng Mofokeng

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Alena Douhan

Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to refer to the relevant international norms and standards that are applicable to the issues brought forth by the situation described.

Reference is made to the international human rights standards on the freedom from discrimination and equality before the law, in particular article 26 of the International Covenant on Civil and Political Rights (ICCPR), which provides that all persons are equal before the law and are entitled to equal protection of the law without discrimination, and that the law shall guarantee to all persons equal and effective protection against discrimination on any of the enumerated grounds (Human Rights Committee, general comment No. 18, para 12). Article 26 prohibits discrimination in law or in fact in any field regulated and protected by public authorities (general comment No. 18, para 12).

We would like to stress that under article 6(1) of ICCPR, “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life”. This includes taking measures so that individuals have access to health care (Human Rights Committee, general comment No. 36, para 26).

The right to equality before courts and tribunals and to a fair trial is set forth in article 14 of the ICCPR and ensures equality of arms. This means that the same procedural rights are to be provided to all the parties unless distinctions are based on law and can be justified on objective and reasonable grounds, not entailing actual disadvantage or other unfairness to the defendant (general comment No. 18, paras 8, 13). According to article 14(2) everyone charged with a criminal offence shall have the right to be presumed innocent until proven guilty according to law.

Article 15(1) of the ICCPR enshrines the principle of non-retroactivity of law, stating that “no one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed”.

Access to justice as the means to protect all other human rights shall be ensured by states even if such rights are violated extraterritorially (Adjudicating Economic, Social and Cultural Rights at National Level, Practitioners Guide No. 8; Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights, principles 8–9).

The right to privacy is guaranteed by article 17(1) of the ICCPR, which ensures that “no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation”. The introduction of the concept of arbitrariness is intended to guarantee that even interference provided for by law should be in accordance with the provisions, aims and objectives of the Covenant and should be, in any event, reasonable in the particular circumstances (Human Rights Committee, general comment No. 16, para. 4).

The Universal Declaration of Human Rights enshrines the right to property (article 17). As it was commented in the Annotation prepared by the UN Secretary General to Draft International Covenants on Human Rights, article 17 “would ensure the right of the individual to enjoyment of ownership without unreasonable interference<sup>3</sup>”. This principle is considered as a general principle of law having a binding character<sup>4</sup>.

International Covenant on Economic, Social and Cultural Rights (ICESCR) provides for the right to health. In particular, article 12 indicates that the States Parties recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The preamble to the Constitution of World Health Organization defines health as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”<sup>5</sup>. As the Committee on Economic, Social and Cultural Rights clarifies that article 12(1) is not confined to the right to health care; “the right to health embraces a wide range of socio-economic factors that promote conditions in which people can lead a healthy life” (CESCR general comment No. 1, para. 4). Atmosphere of fear to face criminal punishment is not conducive to the attainment of the highest standard of mental health.

Rule of law as a basis for the enjoyment of human rights was underlined in the UN General Secretary report “In larger freedom: towards development, security and human rights for all” (A/59/2005), Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international level (A/RES/67/1), the Universal Declaration of Human Rights (preamble), United Nations Millennium Declaration (para. 24-25), 2005 World Summit Outcome (A/RES/60/1) (para. 119).

Sustainable development goal 16 aims at promoting just, peaceful and inclusive societies<sup>6</sup>. In particular, its indicator 16.6 focuses on the need to develop effective, accountable and transparent institutions at all levels; and indicator 16 b is to promote and enforce non-discriminatory laws and policies for sustainable development<sup>7</sup>.

---

<sup>3</sup> [https://digitallibrary.un.org/record/748971/files/A\\_2929-EN.pdf?ln=ru](https://digitallibrary.un.org/record/748971/files/A_2929-EN.pdf?ln=ru), p. 192

<sup>4</sup> Yarik Kryvoi, Shaun Matos. Non-Retroactivity as a General Principle of Law. Utrecht Law Review. 2021. Volume: 17 Issue: 1. P. 46.

<sup>5</sup> <https://apps.who.int/gb/bd/PDF/bd47/EN/constitution-en.pdf?ua=1>

<sup>6</sup> <https://www.un.org/sustainabledevelopment/peace-justice/>

<sup>7</sup> <https://documents.un.org/doc/undoc/gen/n17/207/63/pdf/n1720763.pdf?token=nbPgHUZxsHALXoPVQS&fe=true>, p. 21-22.