

Mandates of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights; 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 independence of judges and lawyers and the Independent expert on the promotion of a democratic and equitable international order

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(Please use this reference in your reply)

21 July 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights; 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 independence of judges and lawyers and Independent expert on the promotion of a democratic and equitable international order, pursuant to Human Rights Council resolutions 54/15, 52/17, 53/12 and 57/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received **the significant challenges faced by UK-based lawyers and other legal professionals in performing their duties on sanctions-related matters and while undertaking, representing and advising concerned individuals and entities on sanctions-related cases.**

A more comprehensive analysis on the issue of the impact of unilateral sanctions on access to justice and the right to effective remedies can be found in the 2024 thematic report to the 79th session of the General Assembly by the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights ([A/79/183](#)). It was also addressed in detail at the International Conference on sanctions, business and human rights, which took place in Geneva in November 2024.

According to the received information:

The complexity and proliferation of unilateral sanctions programs and regulations have made intricate their navigation and understanding, even among experienced professionals operating in such contexts, such as regulatory lawyers and legal professionals. This complexity, as well as the frequent changes in the scope and purpose of such unilateral measures heighten the risk of misinterpretation, with possible inadvertent omissions and imprecise advice which may result in possible violations of sanctions-related restrictions, with consequent implications for both the legal professional and the client.

Access to legal advice and representation by a person designated under the UK sanctions regimes has direct financial implications governed mainly by the Sanctions and Anti-Money Laundering Act of 2018 (SAMLA)¹, which contains

¹ <https://www.legislation.gov.uk/ukpga/2018/13/contents>

specific restrictions with regards to the dealing of funds or economic resources, owned, held or controlled by a designated person. In particular, section 60(3) of SAMLA refers to the freezing of funds of a sanctioned person, which prevents these funds from being “used, altered, or transferred or accessed”; from being “dealt with in any other way that would result in any change in volume, amount, location, ownership, possession, character or destination”; and, from being subjected to “any other change [...] that would enable their use [...]”. Furthermore, section 60(4) provides for additional restrictions regarding frozen economic resources, including prohibition of these resources from being “exchanged for funds, good or services”, and from being used “in exchange for funds, goods or services”.

According to the UK Financial Sanctions General Guidance² of the Office of Financial Sanctions Implementation (OFSI), UK-based lawyers/law firms are not in principle required to go through the process of a specific authorisation (licence) for the provision of legal services to a designated person. However, they are strongly encouraged to apply for such licence if they receive payments for such services, given the restrictions imposed by SAMLA on designated persons’ funds and economic resources. Therefore, frozen assets of designated persons can be used as payments for legal services as long as the lawyer or law firm is granted a legal fees licence by OFSI.

OFSI clearly stipulates that the legal fees and disbursements “must be reasonable” and it is for the applicant lawyer/law firm “to demonstrate to OFSI that the legal fees and disbursements are reasonable”.³ Furthermore, OFSI requires that in support their application, lawyers/law firms should inter alia provide an estimate of the anticipated fees and/or fees that have already been incurred; a breakdown of how the fees will be charged and/or have been charged; and, identify any disbursements, such as payments for counsel or expert witnesses. With regards to court fees, OFSI requires that lawyers and law firms apply for the licence in advance of any payment of court fees, if such fees are significant, as well as for other legal expenses, including security for damages into court.

However, neither the UK existing legal frameworks nor OFSI itself define what is to be considered reasonable legal fees or disbursements. Furthermore, legal professionals have raised concerns about lengthy licensing processes which are often time-consuming due to the requirement to demonstrate the “reasonableness” of the legal service amounts through a significant level of evidence with high granularity and precision, as well as due to administrative delays in processing the licence applications. It is reported that there is no publicly available information about the average processing times for licence applications, while the prescribed reporting requirements for the granting of legal fees licences raise questions concerning the potential implications for the legal professional privilege and the non-disclosure of information protected by this legal principle and right.

² UK Financial Sanctions General Guidance, at <https://www.gov.uk/government/publications/financial-sanctions-general-guidance/uk-financial-sanctions-general-guidance>

³ UK Financial Sanctions General Guidance, Section 6.6 “OFSI’s approach to licensing grounds”

Furthermore, OFSI reportedly imposes limitations on the duration and amounts authorised by licences, which in certain cases oblige lawyers and law firms to apply for multiple licences for the same legal proceedings or the provision of the same legal advice, thus incurring further delays and complications. Uncertainty among lawyers and law firms is further compounded by the fact that any breach of licence conditions or reporting obligations may be considered a criminal offence, with serious consequences.

In this context, the OFSI has adopted general licences with the purpose of mitigating the potential adverse effects of the UK sanctions regimes on access to justice and the provision of legal services. For example, since 28 October 2022, there have been successive general licences permitting payments for legal fees and disbursements incurred in connection with representation of persons designated under the Russia and Belarus sanctions, adopted under regulation 64 of the Russia Regulations and regulation 32 of the Belarus Regulations, respectively. The latest version of the Russia and Belarus general licence covers the period April-October 2025 and provides for separate conditions for payment of legal fees for services pre-dating designation and for those that post-date designation.⁴

Although the general licence covers both legal advice and representation in court, whether provided within the UK or another jurisdiction, it excludes legal assistance for claims regarding defamation or malicious falsehood. Furthermore, it imposes a cap on professional legal fees (including counsel's fees) that can be charged per case, and only for the duration of the general licence. The imposed cap and the time-boundedness of the implementation both are considered by lawyers and law firms as serious obstacles in the performance of their duties as they are unlikely to know in advance the overall amount of legal professional fees, which are very much contingent upon the nature and specificity of each case and the length of the relevant proceedings. It has been reported that the existing cap is inadequate across big legal teams in substantial international litigation. Furthermore, the relatively short period of validity of the general licence (6 months) and the uncertainty about its renewal, which is exacerbated by the reported discretion of HM Treasury to suspend or revoke general licences at any time, may result in abrupt interruption of legal advisory services as well as of legal representation in judicial proceedings.

Compliance with the general licence also includes reporting obligations by lawyers and law firms, who are required to submit to OFSI "any document, communication or other record which sets out the obligation pursuant to which the payment [of the legal fee] is made". Documents and records confirming the legal obligation for the provision of legal services to a client may contain privileged information, and their disclosure for the purpose of proving compliance with the general licence may undermine fiduciary duty, including the legal professional privilege.

According to the OFSI's UK Financial Sanctions General Guidance breaching the terms of a general licence is a serious offence punishable by maximum of

⁴ INT/2025/6160920, at https://assets.publishing.service.gov.uk/media/680f5a735072e9b7db83ccf7/INT.2025.6160920_GL.pdf

7 years' imprisonment, or a fine, or both.⁵ Furthermore, the OFSI's Legal Services Threat Assessment of April 2025 clearly states that most non-compliance by UK legal service providers has occurred due to OFSI licence conditions. Furthermore, it stresses that UK's financial sanctions legislation applies to all persons in the UK and UK persons wherever they are in the world, including relevant firms, such as business accountancy services, legal or notarial services, advice about tax affairs, and certain trust or company services. This includes but not limited to: solicitors' firms; barristers' chambers; trust and company service providers; notarial service providers; or sole practitioners providing the aforementioned services.⁶

Procedurally as well, legal professionals face serious challenges in performing their duties in sanctions-related cases, due to inter alia limited access, in certain cases, to the evidence on which the UK competent authorities rely for a person's designation; arbitrary interpretations or delays in judicial reviews of delisting applications due to inconclusive or pending ministerial review by the Foreign, Commonwealth and Development Office (FCDO); the requirement to submit significant evidence and information to challenge the designation and rebut the designated person's alleged wrongdoing, in order to trigger the delisting (variation or revocation) review process; potential reputational risks and damage for undertaking sanctions-related cases; and other types pressure, including statements by public officials. They are also affected by instances of over-compliance by banks, businesses and other entities who may interfere with their legal practice, including by refusing to process payments and provide other services critical for the performance of the legal functions.

While we do not wish to prejudge the accuracy of the received information, we wish to express our concerns about the potential adverse impact that the UK sanctions frameworks and sanctions-related regulations on the work of UK-based lawyers and law firms, as well as on the enjoyment of the right to an effective remedy protected and guaranteed by relevant international instruments and standards, including article 14 of the International Covenant on Civil and Political Rights (ICCPR).

Although the current legal framework, including the Sanctions and Anti-Money Laundering Act of 2018, does not appear to explicitly prohibit the provision of legal advisory and representation services, the imposed financial restrictions on designated persons and the requirement to apply for a specific licence authorizing the use of a designated persons' frozen assets for the payment of legal professional fees and of other legal expenses add procedural and administrative complexities to the work of lawyers and law firms involved in sanctions-related cases. We note with concern the reported delays in the review of legal fees licence applications and the lack of clarity with regard to what is perceived by UK competent authorities as "reasonable" legal fees and disbursements to be authorized by these specific licences.

All these reported elements bear directly on access to justice and specifically on the designated person's right to access legal advice and representation, while also

⁵ UK Financial Sanctions General Guidance, Section 6.9 "General licences"

⁶ Office of Financial Sanctions Implementation, HM Treasury, *Legal Services Threat Assessment*, April 2025 at https://assets.publishing.service.gov.uk/media/67ee635698b3bac1ec299c3e/OFSI_Legal_Services_Threat_Assessment.pdf

undermining the right to equality before courts and tribunals.

We wish to recall that the right to equality before courts and tribunals also includes equal access and equality of arms and ensures that the parties to any proceedings are treated without any discrimination. The imposition of financial restrictions and of any administrative hurdles in the provision of legal assistance may seriously undermine due process and fairness, as well as the designated person's meaningful participation in relevant proceedings.

We welcome the adoption of general licences for the provision of legal services in the UK's country-specific sanctions regulations. However, the reported information with regards to their actual scope, their prescribed conditions and compliance requirements, appears to question their effectiveness and usefulness to UK-based lawyers and law firms representing designated persons in litigation and judicial proceedings, while exacerbating fear and uncertainty among lawyers and law firms about any inadvertent breach with its consequent possible criminal implications.

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 explain how the current regulatory frameworks related to UK sanctions regimes enable the unhindered provision of legal services and the unrestrained performance of lawyers' and other legal professional's duties in sanctions-related matters.
3. Please provide information on the average number of approved/granted legal fees licenses out of the total number of applications per year. Please also provide information on the average processing time for a license application.
4. Please explain the term "reasonable" referring to the amounts of legal and fees and disbursements mentioned in the section "Fees for provision of legal services" of the UK Financial Sanctions General Guidance, and whether there are established criteria to assess what is "reasonable".
5. Please explain the reasons behind the imposition of caps on legal professional fees in general licences, such as the ones under regulation 64 of the Russia Regulations and regulation 32 of the Belarus Regulations.
6. Please provide information about the process followed by the Foreign, Commonwealth and Development Office (FCDO) in its review of

requests for variation or revocation of sanctions designations. Please provide information on the average processing time of such requests.

7. Please provide information on the measures undertaken to effectively address sanctions' overcompliance by banks and other entities, whose conduct may adversely affect the performance of lawyers and other legal professionals' duties in sanctions-related matters.
8. Please provide information on any measures undertaken by your Excellency's Government to protect UK lawyers' professional integrity and to fence them against any improper restrictions, infringements, interference, and/or reputation attacks, including those who undertake sanctions-related cases.

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 and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

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Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described. We reiterate our observation that sanctions-related procedures and decisions are of an executive and administrative nature. They, however, impose penalties and restrictions which are commensurable to criminal or civil penalties which are enforced following formal conviction through judicial proceedings. In this context, we wish to highlight specifically the international standards on due process and fair trial guarantees enshrined in the international human rights instruments, in particular the International Covenant on Civil and Political Rights (ICCPR).

Article 14(1) of the ICCPR sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law.

In addition, article 14 of the ICCPR provides a set of contain procedural guarantees that must be made available to persons charged with a criminal offence, including presumption of innocence; the right to be promptly and in detail informed about the nature and cause of the charge; to have adequate facilities for the preparation of the defence; to communicate with counsel of his own choosing; to be tried without undue delay; and the right of appeal. These guarantees must be respected by State parties, regardless of their legal traditions and their domestic law.

In its general comment No. 32 (2007), the Human Rights Committee states that deviating from the fundamental principles of fair trial, including presumption of innocence, is prohibited at all times, including in circumstances of emergency. Furthermore, it states that access to administration of justice must be effectively guaranteed to ensure that no individual is deprived, in procedural terms, of his/her right to claim justice. The right of access to courts and tribunals and equality before them is not limited to citizens of States parties, but must also be available to all individuals, regardless of nationality or statelessness, or whatever their status.

The availability or absence of legal assistance often determines whether or not persons can access the relevant proceedings or participate in them in a meaningful way and determines the persons' ability to pursue the vindication of their rights under the Covenant in proceedings available to them (paras. 10 and 11).

Similarly, the right to equality before courts and tribunals also ensure equality of arms, which ensures that each party is given equal opportunity to contest all the arguments and evidence adduced by the other party (para. 13).

General comment No. 32 refers also to the notion of fair trial which includes the guarantee of fairness of proceedings, which entails the absence of any direct or indirect influence, pressure or intimidation or intrusion from whatever side and whatever motive (para. 25), as well as the avoidance of undue delays (para. 27).

Everyone charged with a criminal offence shall have the right to be presumed innocent until proven guilty according to law. The presumption of innocence, which is fundamental to the protection of human rights, imposes on the prosecution the burden of proving the charge, guarantees that no guilt can be presumed until the charge has been proved beyond reasonable doubt, ensures that the accused has the benefit of doubt, and requires that persons accused of a criminal act must be treated in accordance with this principle. It is a duty for all public authorities to refrain from prejudging the outcome of a trial, e.g. by abstaining from making public statements affirming the guilt of the accused (para. 30).

The right to be informed of the charge “promptly” requires that information be given as soon as the person concerned is formally charged with a criminal offence under domestic law, or the individual is publicly named as such (para. 31).

Article 14 3(b) of ICCPR provides that accused persons must have adequate time and facilities for the preparation of their defence and to communicate with counsel of their own choosing. This provision is an important element of the guarantee of a fair trial and an application of the principle of equality of arms. According to Human Rights Committee, “adequate facilities” must include access to documents and other evidence. This access must include all materials that the prosecution plans to offer in court against the accused or that are exculpatory. (para. 32).

We wish to recall the UN Basic Principles on the Role of Lawyers of 7 September 1990, and particularly those presented under “Guarantees for the functioning of lawyers”. Specific reference is made here to the responsibility of Governments to ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Finally, we refer to the Guiding Principles on Sanctions, Business and Human Rights developed by the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, and in particular section 28 on “Legal services” referring to the protection of the provision of legal services in sanctions-related proceedings as precondition for the protection of the right to an effective remedy; and, the protection of legal professionals in the course of their performance of their legal duties in sanctions-related cases.