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# Sanctions 2024

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## **Introduction**

Charles Enderby-Smith and Guy Martin  
Carter-Ruck



# INTRODUCTION

Contributed by: Charles Enderby-Smith and Guy Martin, **Carter-Ruck**

**Carter-Ruck** advises on a broad range of sanctions issues and is widely considered to be the leading UK law firm for individuals and entities wishing to take steps, including court action, for the annulment of restrictive measures. The firm pioneered challenges to such sanctions in 2001 for client Sheikh Yassin Abdullah Kadi whose two successes before the European Court of Justice have set the benchmark for sanctions challenges. It has represented clients before the UK and EU authorities, the UN and the Ombudsman to the United Nation's ISIL and Al-Qaida Sanctions Committee, the Administrative

Court in London in domestic judicial reviews of administrative sanctions decisions, the General Court of the European Union and the European Court of Justice. The firm also works closely with local counsel advising clients challenging US and Australian designations. By their nature, many of these cases include a reputation management element. Carter-Ruck's unrivalled expertise in media law means that it is particularly well-placed to assist and uniquely it is able to respond quickly and authoritatively to press interest directed to its clients.

## Contributing Editors



**Charles Enderby-Smith** is a partner and international law specialist at Carter-Ruck. His practice spans issues of public international law, domestic public law, European law and

human rights law where there is a diplomatic and/or international context. He maintains a leading and pioneering practice in international sanctions, spanning international administrative and judicial challenges before various tribunals including the authorities and courts of the EU, the UK, the US and the UN. His sanctions cases often test new rules and legislation, establishing important principles of law, and they frequently allow him to also call upon his experience in media law. As an authority on sanctions, Charles, has written widely on this topic.



**Guy Martin** is a consultant at Carter-Ruck and has a wide-ranging practice in the field of public international law, European law and human rights. Having acquired a special

expertise in the law relating to economic sanctions, Guy has represented and advised many clients who have challenged sanctions measures before the courts of the US, the UK, the EU and the UN. Guy is also a media litigation and reputation management specialist; his practice has a particular emphasis on copyright, trademarks, breach of confidence and other intellectual property issues arising in a media context.

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## Carter-Ruck

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# Carter-Ruck

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### A General Overview

While the deployment of sanctions by states and executive bodies has grown steadily over the last few decades, there can be little doubt that the last few years have seen a marked increase in their use as Western powers have grappled with how to respond to Russia's activity in Ukraine. This is true of both targeted sanctions (ie, restrictive measures targeted at entities or legal or natural persons) and trade sanctions (for example sanctions on the purchase of oil or the provision of professional services). It is also true globally – with restrictive measures being introduced by Western and emerging nations alike (with Russia for example imposing retaliatory sanctions on the West).

This has created an unprecedented level of activity for almost all stakeholders in the sanctions industry, whether designated persons, regulators, governments, executives or advisers. On the latter, legal representatives in particular have been extraordinarily busy advising on administrative and legal challenges to sanctions designations, compliance, and regulatory enforcements and investigations. The levels of work across the global legal industry have arisen not just from the unprecedented numbers of people and businesses affected by sanctions, but also from the constantly and rapidly evolving

legal and regulatory landscape in which stakeholders have found themselves.

This has been exacerbated by the fact that, post-Brexit, the UK now has its own autonomous and relatively new sanctions regime, which has perhaps been tested much sooner than anyone could have expected in light of the West's response to Russia's actions.

This autonomous regime presents new challenges where clients taking a global perspective now have an additional layer of rules and compliance to consider, enforced by one of the world's largest and most influential economies. In the context of administrative and legal challenges to sanctions designations it is not unusual for clients to find themselves included on sanctions lists imposed by the USA, the EU and now also the UK (as well as the lists of other Western-aligned countries such as Australia and Canada). This presents additional complexity and the need for additional strands of litigation, as well as opportunities where clients are appropriately advised.

Given the continuing geopolitical turbulence seen over the last two years, and states' ever-increasing reliance upon sanctions as a means of response and of pressing their foreign policy

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objectives, it seems unlikely that the rapid development in this area will abate over the course of this next year.

Stakeholders should be braced for further legislative and regulatory changes in this exciting and dynamic intersection between politics and law.

Given the interconnected and multinational scope of today's sanctions regulations, with many regimes striving for extraterritorial effect, practitioners are more than ever in need of guidance from a global perspective. It is our hope that this guide will provide such a resource.

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