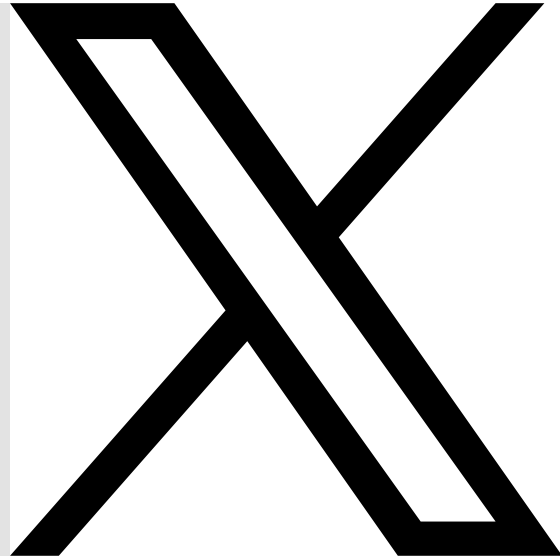


Ali Al-Karim

YEAR OF CALL: 2018

Clerk's Email: TonysClerkingTeam@brickcourt.co.uk



Practice Overview

Ali Al-Karim is a leading barrister in public international law, international arbitration, commercial litigation, and sanctions. Ali acts in the most high-value and high profile commercial litigation, including a number of the Lawyer's Top 20 cases. In international arbitration, Ali has acted in cases before a number of arbitral tribunals in different sectors, including cross-examining witnesses for three days before an eminent ICSID panel. He acts in public international law cases all around the world, including the ICJ, the Inter-American Court of Human Rights, the European Court of Human Rights, the Court of Justice of the European Union, and domestic courts in multiple jurisdictions. Ali is one of the leading juniors at the Bar in sanctions; he has acted in high-profile sanctions cases in the English courts, and has a busy advisory practice.

Recent and current instructions include:

- Public international law . Ali has acted in international law cases all around the world; in international fora such as the ICJ, ECHR, CJEU, and Inter-American Court of Human Rights; domestic courts, such as the English Court of Appeal, Colombian Constitutional Court, and the Mexican Supreme Court; and before various arbitral tribunals. His cases have concerned state, sovereign, and diplomatic immunity; the law of the sea; investor-state disputes; human rights and humanitarian law; the law of armed conflict; and international trade/WTO law.
- International arbitration . Ali is instructed in a number of investor-state and commercial arbitrations. He acted for the investor in *Buse v Republic of Panama (ICSID)* , an arbitration commenced under the Netherlands-Panama BIT. Ali cross-examined government officials and others about fraud allegations for three days. He has also acted in a number of claims

under the Energy Charter Treaty. In addition, he acts in arbitration-related court work, such as *Qatar Re v Mapfre*, a s.67 and s.68 challenge.

- Commercial litigation. Ali regularly acts in the most high-profile commercial litigation before the English Courts, including a number of cases to feature in the Lawyer's Top 20 cases. He acted for the successful Defendant in *Sheffield United Football Club v Shepherd and Wedderburn*; represented Orange in its successful defence of the heavily-publicised *Phones4u litigation*; is acting for the Claimant in the civil fraud litigation in *Alta Trading v Bosworth & Ors*; and is acting for BT in the first competition class action to go to trial in *Le Patourel v BT*. Ali also acted in the Cayman Islands in a s.238 shareholders dispute in *Kingstown v FGL*.
- Sanctions. Ali regularly advises companies, charities, NGOs, and individuals on UK and EU sanctions, including Russian and Iran sanctions. He has acted in high-profile sanctions litigation, including *Various Claimants v Metrobank*, an action brought on behalf of Iranian nationals against a large bank for breach of the EU Blocking Regulations. Ali also represented the FCDO in *Graham Phillips v FCDO*, the first case in England to consider the relationship between free expression and sanctions.

Ali graduated with a First Class degree in Law from the University of Cambridge, where he finished 7th in a year of 210 and won the prizes in (i) Constitutional Law, (ii) EU Law, and (iii) EU Environmental law (scoring the highest mark in the Faculty's history). He was later awarded the Frank Knox Fellowship to study for an LLM at Harvard Law School, where he won the Dean's Scholar Prize in a number of subjects, including for his paper "Markets, Hegemony and Dominance: Dismantling the Cabal with Antitrust". He has lectured on international arbitration at Sciences Po University in Paris and Harvard Law School.

Public International Law

Ali is instructed in public international law cases around the world, before international courts/tribunals and domestic courts. His cases concern treaty interpretation; state, sovereign, and diplomatic immunity; the law of the sea; investor-state disputes; human rights and humanitarian law; the law of armed conflict; and international trade/WTO law. Ali is often instructed in cases at the intersection between public law and international law. In addition, Ali is often instructed in cases concerning the relation between EU and international law; for example, Ali has advised on the implications of the CJEU's judgment in *Achmea* for the enforcement of arbitral awards, and is acting in a number of investor-state cases concerning the application of EU sanctions.

Cases before international courts and tribunals

- *Advisory Opinion in the ICJ on Climate Change* – Counsel for a number of parties in the ICJ Advisory Opinion on states' obligations under international law in respect of climate change.
- *Advisory Opinion in the ICJ on the Right to Strike* – Counsel for a party to the proceedings.

- *Advisory Opinion in the ICJ on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* – Advising a State and NGO in relation to the proceedings.
- *Request for Advisory Opinion (Chile and Colombia)* – Acting in the high-profile Advisory Opinion on Climate Change in the Inter-American Court of Human Rights (as lead counsel)
- Ali is acting in a number of investor-state cases: (i) *Buse v Panama*; (ii) an investor against a European state in the renewable sector; and (iii) a Middle Eastern investor against a European state.
- Advising on a possible claim before the WTO.
- *UNHCR* – A reference to the CJEU on the protection of Palestinian refugees under EU asylum law. The case concerns the implementation of the Geneva Convention under the EU Qualification Directive.
- *Request for Advisory Opinion (Argentina)* – Lead counsel in high-profile Inter-American Court of Human Rights case on the right to food, water, education, employment, and a healthy environment

Cases before domestic courts around the world

In the English courts, Ali acts in judicial reviews, commercial litigation, and arbitration-related court work which raise issues of international law. Outside of England, Ali is instructed as a legal expert and *amicus curiae* in courts around the world on issues of international law. Recent cases include:

- *Rwanda litigation* – Acting for the lead group of Claimants in their high profile challenge to the UK's policy of removing asylum seekers from the UK to Rwanda. Ali was part of the legal team to have the decision declared unlawful (*AAA & Ors v Secretary of State for the Home Department*).
- *Paris Agreement* – Acting in proceedings in the English courts on the United Kingdom's obligation under the Paris Agreement.
- *State immunity* – Acting in the English courts for a former head of State on issues of diplomatic and state immunity.
- *Malaysia* – Acting as legal expert on issues of customary international law and human rights in Malaysia on the right to life, liberty, and freedom from torture.
- *Kenya* – Acting in high-profile proceedings on the rights of refugees in Kenya under the Refugee Convention.
- *ESG* – Acting in confidential proceedings relating to a company's compliance with UN voluntary principles on business and human rights.
- *Colombia* – Acting in the Colombian Constitutional Court on whether Colombia's citizenship rules violate international human rights law or the law on statelessness.
- *Mexico* – Acting in the Mexican Supreme Court on whether Mexico's detention policy violates international law.
- *R (Sequoia) v OFGEM & Others* – Acted for the Claimants in a judicial review concerning OFGEM's decision to place Bulb into ESCA administration. The case raised questions on the relationship between public law and investor-state law.

- Ali acts in trade and investment issues arising under English public law, including the National and Security Investment Act 2021, commercial judicial reviews, and regulatory proceedings. Ali has acted for a number of renewable energy companies in challenges to UK measures on renewable energy.

Advisory work

Ali regularly advises States, companies, and NGOs on issues of international law and policy. Before coming to the Bar, Ali worked for a number of legal NGOs and other agencies on a range of international law issues, including the prevention of torture, refugee protection, modern slavery, the laws of criminal evidence in the Middle East, the rights of disabled people under international law, employment rights, and environmental protection.

International Arbitration

Ali has been recognised as a 'rising star' of international arbitration by a leading journal. He has experience well beyond his year of call; for example, he cross-examined a number of key factual witnesses over three days before the ICSID tribunal in a high-profile investor-state dispute.

Investment treaty arbitration

- *Buse v Panama* – Acting for investor before ICSID in a claim brought under the Netherlands-Panama BIT.
- *ECT Claim* – Acting for investors in a claim under the Energy Charter Treaty.
- *Investor v European State* – Acting for an investor against a European State on a case concerning sanctions.
- Advised an African state on a number of matters arising under a Bilateral Investment Treaty.
- Ali has taught investment treaty arbitration at Science Po, and has delivered a guest lecture on the subject at Harvard Law School.

Commercial arbitration

Ali has experience of arbitrations under a number of institutional rules, including ICSID, ARIAS, ICC, and LCIA. Recent and current experience includes:

- *Qatar Re v Mapfre* – Acting for the Claimants in a challenge under ss.67, 68, and 69 of the Arbitration Act in respect of an arbitral award in the reinsurance sector (led by Richard Eschwege KC).
- *Energy arbitration* – Acted in an ICC arbitration on mining in Pakistan (unled).
- *Insurance arbitration* – An arbitration under ARIAS rules concerning business interruption reinsurance.
- Advising on jurisdiction and choice of law issues arising out of the Supreme Court judgment in *Enka v Chubb*.

- Advising on the enforcement of awards under the New York Convention.
- Ali was part of a group of barristers in Brick Court to write a report on reform of the Arbitration Act 1996

Commercial

Ali's commercial practice covers civil fraud, banking, insurance, shareholders/JV disputes, professional negligence, and competition claims.

Commercial litigation

- *Sheffield United Football Club v Shepherd and Wedderburn* – Acting for the Defendants in a high-profile £150m claim brought by the former owners of the football club against their solicitors, alleging negligence and breach of fiduciary duty. This one of the Lawyer's Top 20 cases of 2023 (led by Charles Hollander KC).
- *Kingstown v FGL* – A high-value trial of a s.238 fair value action in the Cayman Islands (led by Simon Salzedo KC).
- *Cheng v Zheng* – Acted in a multi-million-dollar civil fraud trial in the British Virgin Islands concerning the alleged fraudulent transfer of shares in Chinese, Cayman, and BVI companies. The case raised complex issues of private international law (led by Vernon Flynn KC).
- *Phones4U v Telefonica & ors* – Acted in the high-profile action concerning the alleged cartel and conspiracy between the leading mobile network providers in the United Kingdom. This was one of the Lawyer's Top 20 cases of 2022.
- *The Secretary of State for Health v Servier Laboratories Ltd* – A Supreme Court case concerning (i) the economic torts, in particular the unlawful means tort, and (ii) the interaction between competition/IP regimes and compensatory relief under the common law (assisting Marie Demetriou KC and Daniel Piccinin).
- *Loreley 30 v Credit Suisse* – A high-profile civil fraud claim in relation to allegations of fraud and misrepresentation by Credit Suisse bankers and senior management (assisting Tim Lord KC and Fred Hobson).
- *Galapagos Bidco S.A. v Signal Credit Opportunities Fund* – A \$100m claim for an alleged fraudulent conveyance of notes (assisting Neil Calver KC and Ben Woolgar).
- *Playboy litigation* – A claim in the tort of deceit brought by a London casino against an Italian bank in the tort of deceit (assisting Simon Salzedo KC and Fred Hobson). The deceit trial was brought following the Supreme Court's ruling in *Playboy Club London Limited v Banca Nazionale del Lavoro SPA* [2018] UKSC 43.

Group litigation

- *Justin le Patourel v BT* – Acting for BT in the first collective action to go to trial.
- *RoRo* – Acting for Nippon Yusen Kabushiki Kaisha in the follow-on damages claims arising from the European Commission's decision in the Maritime Carriers cartel case (led by

Marie Demetriou KC and Daniel Piccinin).

- *Lloyd v Google* – A landmark UK Supreme Court decision on data group actions (assisted Victoria Wakefield KC).
- *R (Donegan & Ors) v Financial Services Compensation Scheme (London Capital Finance)* – Acting for investors challenging the FSCS's decision to decline compensation to thousands of investors who lost over £200m (assisting James McClelland KC, Tim Johnston and Charlotte Thomas).

Insurance and reinsurance

- *Reinsurance arbitration* – Acting for a group of reinsurers in an ARIAS arbitration on business interruption losses (led by Harry Matovu KC).
- *Aggregation* – Ali has advised with a number of Silks in Chambers on issues of aggregation arising in light of the decisions in *Stonegate*, *Greggs*, and the *VE Action* (Simon Salzedo KC and Harry Matovu KC).
- Advising a major insurer on potential business interruption liability (in excess of \$100m) following the Supreme Court's judgment in the FCA Test Case (led by Simon Salzedo KC).

Energy & Natural Resources

Ali's experience of energy and natural resources cases spans commercial litigation/arbitration, regulatory disputes, investment treaty arbitration, and judicial review. Ali's experience uniquely traverses public and private law, as well as international and domestic law. Recent and current experience includes:

- *Energy arbitration* – Acted in an ICC commercial arbitration on mining in Pakistan (unled).
- *Energy Charter Treaty claim* – Ali is acting for an investor in a claim against a European state under the Energy Charter Treaty (with Leading Counsel outside Chambers).
- *R (Sequoia) v OFGEM & Others* – Acted for the Claimants in a judicial review concerning OFGEM's decision to place Bulb into ESCA administration.
- Advised on the licence regime relating to the electricity and gas market in the United Kingdom (unled).

Sanctions

Ali is one of the leading barristers in sanctions at the London Bar. He has advised over 50 clients on UK and EU sanctions issues in a number of sectors, including technologies, banking, energy, insurance, shipping, real estate, transport, and defence. He has advised and acted in cases concerning list-based sanctions, sectoral sanctions, export controls, and the Blocking Regulation.

Ali has also acted as counsel in some of the leading sanctions cases:

- *Phillips v FCDO* – Successfully defending the FCDO's decision to designate Mr Phillips. The

cases was the first in the UK to consider the relationship between sanctions and free speech.

- *Various Claimants v MetroBank* – Acting for a number of Iranian nationals in a discrimination claim arising in the context of US and EU sanctions.
- *Listed company v a major insurer* – A High Court claim against a major insurer for, *inter alia*, breach of the EU Blocking Regulation (led by Fergus Randolph KC).
- *Investment treaty arbitration* – Ali is instructed in an investor-state claim concerning the application of EU sanctions.

EDUCATION & QUALIFICATIONS

Harvard Law School, LLM, Frank Knox Fellow – Dean's Scholar Prize in multiple subjects, including for his paper "*Markets, Hegemony and Dominance: Dismantling the Cabal with Antitrust*"

BPTC (Outstanding)

University of Cambridge, Law (First Class), 7th in year, with prizes in three papers: Constitutional, EU law, and EU Environmental Law (scoring the highest mark in the Faculty's history in the latter)

PRIZES AND SCHOLARSHIPS

University of Cambridge

- ECS Wade prize for best performance in Constitutional Law
- Clifford Chance prize for best performance in European Union law
- Best overall performance in EU Environmental Law (achieving the highest mark in the Faculty's history)
- Thatcher Prize, Fitzwilliam College

Harvard Law School

- Dean's Scholar Prize in multiple subjects, including for his paper " *Markets, Hegemony and Dominance: Dismantling the Cabal with Antitrust*"

The Honourable Society of the Inner Temple

- Peter Taylor Scholarship, the Inn's top scholarship

Bar European Group

- Peter Duffy Scholar

LANGUAGES

Arabic - fluent

German - basic

Spanish- basic