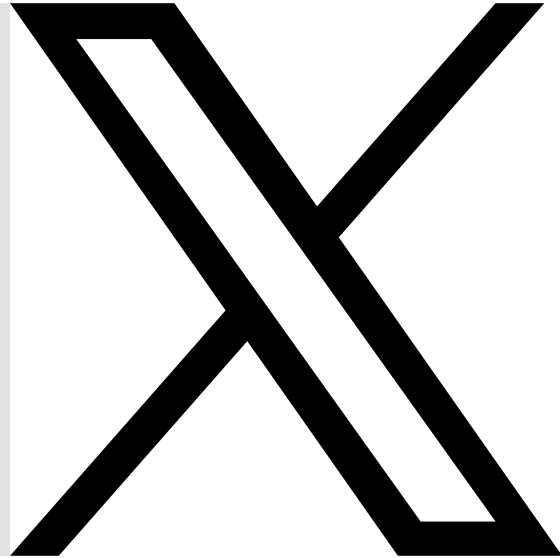


Ali Al-Karim

YEAR OF CALL: 2018

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Practice Overview

Ali Al-Karim is a leading barrister in public international law, international arbitration, commercial litigation, and sanctions. In commercial litigation, 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 ECHR, the CJEU, and domestic courts in multiple jurisdictions. Ali is one of the leading juniors at the Bar in sanctions; he has acted in the leading 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, European Court of Human Rights, Court of Justice of the European Union, and Inter-American Court of Human Rights; domestic courts, such as the Colombian Constitutional Court, the Mexican Supreme Court, the English Court of Appeal; 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 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, an undertaking well beyond his years of call. He has also acted in a number of claims under the Energy Charter Treaty. He

also acts in arbitration-related courts 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 *La 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 represents 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. Prior to pupillage, 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, forced marriage, modern slavery, the laws of criminal evidence in the Middle East, the rights of disabled people under international law, employment rights, and environmental protection. Recent and current instructions include:

- *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)
- *Paris Agreement* – Acting in proceedings in the English courts on the United Kingdom's obligation under the Paris Agreement
- *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
- Acting in the Colombian Constitutional Court on whether Colombia’s citizenship rules violate international human rights law or the law on statelessness.
- Acting in the Mexican Supreme Court on whether Mexico’s detention policy violates international law.
- Acting for a former head of state on issues of diplomatic and state immunity in the English courts.
- *AAA & Ors v Secretary of State for the Home Department* – acting for the lead group of Claimants (which includes Detention Action, Care4Calais and the Public and Commercial Services Union) in their high profile challenge to the Home Secretary’s policy of removing asylum seekers from the UK to Rwanda (in a team led by Raza Husain KC, Phillippa Kauffmann KC and Sam Grodzinski KC).

ENVIRONMENTAL LAW & CLIMATE CHANGE

Ali is instructed in some of the most high-profile environmental litigation around the world. Ali won the prize for the highest mark in EU Environmental Law at the University of Cambridge, where he scored the highest mark in the Faculty’s history in that paper. Recent and current experience includes:

- *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)
- *Paris Agreement* – Acting in proceedings in the English courts on the United Kingdom’s obligation under the Paris Agreement.
- *Right to a healthy environment* – Acting in proceedings on the autonomous right to a healthy environment under international law
- Advising on State’s powers to regulate goods and services under WTO law on environmental protection grounds under the GATT
- Acting in proceedings relating to the EU Commission’s shipping and aviation policy
- Advising on challenges to environmental regulation under the EU rules on the free movement of goods and services.
- Advising a state on its rights to regulate for environmental protection under international investment law.
- *Disability rights and climate change* – instructed in proceedings before the Inter-American Court about the relationship between climate change and UN Convention on the Rights of Persons with Disabilities

INTERNATIONAL TRADE AND INVESTMENT LAW

Ali's broad practice makes him a unique barrister in the area of international trade and investment law; he has experience in all areas of law concerning investment and trade, and is therefore well placed to take a lateral and holistic approach to advising clients on trade and investment matters. He is instructed in high-profile and high-value matters in ISDS, WTO law, sanctions, EU law (including free movement of goods, capital, and investment), and public law (e.g advising on the UK's new legislation on banning foreign investment on national security grounds). Recent and current experience includes:

- ISDS: Ali has been recognised as a "rising star" in ISDS. He has acted in a number of ISDS matters, including ICSID *Buse v Panama* (ICSID), in which he cross-examined witnesses for three days; various claims under the ECT; an ISDS claim between a Middle Eastern investor and a European state; advising on the consequences of the CJEU's judgment in *Achmea*; and advising investors on a claim against a European state. Ali has also written on ISDS and lectured at various universities.
- Sanctions: Ali is one of the leading juniors in sanctions law. He has advised on UK and EU sanctions issues in a number of sectors, including technologies, banking, energy, insurance, shipping, real estate, transport, defence, and foreign policy. He has acted in some of the most high-profile sanctions litigation in recent times, including *Metrobank* (a claim under the EU Blocking Regulations) and *Phillips v the UK*.
- WTO law: Ali has advised on the application of GATT, GATS, TRIPS and other agreements under WTO law. He is advising on a possible WTO claim by a South East Asian against a European state. Ali is at home with questions of national treatment, preferential treatment, non-discrimination, and quantitative restrictions.
- EU law: Ali has regularly advised on the application of the provisions of the free movement of goods, capital, and investment under EU law. Ali won the prize at Cambridge for the highest mark in EU law, as well as the highest mark in the Faculty's history in EU Environmental Law.
- Public law: Ali also 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.

International Arbitration

Ali has a busy commercial and investment treaty arbitration practice. He has experience well beyond his year of call; for example, he cross-examined a number of key factual witnesses over two 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 (led by Emilie Gonin).
- *ECT Claim* – Acting for investors in a claim under the Energy Charter Treaty (led by Emilie Gonin)
- Advised an African state on a number of matters arising under a Bilateral Investment Treaty (unled).
- 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 (led by Harry Matovu KC).
- 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. Recent and current experience includes:

- *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* – 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 \$510 claim in the Commercial Court brought by purchaser of CDO investors against Credit Suisse claiming that the purchased was induced by fraud. The claim raises complex issues of law and facts on the law of misrepresentation (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.

Sanctions

Ali has a busy sanctions litigation and advisory practice. He has advised 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. Recent and current instructions include:

- Ali regularly advises companies, individuals and organisations on UK-Russia sanctions introduced in light of the situation in Ukraine. He also regularly advises on other sanctions regimes outside the Russia context, including Iran and list-based sanctions.
- *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).
- Advising a client on the application of the EU Blocking Regulation.
- Advising on export control issues.

Energy and 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).

Insurance and reinsurance

Ali accepts instructions in all areas of insurance and reinsurance. Recent and current experience includes:

- *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).

Sports Law

Ali has particular experience of sports law cases. His sports law practice is varied; Ali's sports cases arise in the commercial, competition, and disciplinary context. Recent and current experience includes:

- *Sheffield United Football Club v Shepherd and Wedderburn* – 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).
- *Financial Fair Play Rules* – a challenge to UEFA's financial fair play rules brought on behalf of top-tier football club (assisting Victoria Wakefield KC).

- *Newcastle United v Premier League* – a challenge to concerning the Premier League’s decision to block the takeover of Newcastle United by a foreign investor (assisting Daniel Jowell KC).
- *Sports and competition law* – Ali assisted on a number of matters concerning the application of EU and UK competition law to the sporting industry.
- *Formula 3* – Advising a Formula 3 driver on disciplinary action and issues arising under a contract with Formula 3 (unled).
- *Sanctions* – Advising on the effect of sanctions in the sports sector (unled)

Group Litigation

Ali has experience of commercial, competition, data, and other group actions. Ali’s experience includes:

- Advising a group of investors on a group action in relation to losses arising in the energy sector.
- *Justin le Patourel v BT* – acting for BT resisting a collective action brought in the Competition Appeal Tribunal (led by Sarah Ford KC and Sarah Love).
- *Merricks v Mastercard* – acted for Walter Merricks in a landmark collective action representing a class of 46 million people and suing for damages of £14 billion (led by Marie Demetriou KC and Victoria Wakefield KC).
- *RoRo* – Acting for Nippon Yusen Kabushiki Kaisha in the follow-on damages claims arising from the European Commission’s decision in the Maritime Car Carriers cartel case (led by Marie Demetriou KC and Daniel Piccinin).
- *Lloyd v Google* – 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 >£200m (assisting James McClelland KC, Tim Johnston and Charlotte Thomas).

ADMINISTRATIVE AND PUBLIC LAW

Ali’s public law practice builds on his experience working with NGOs and other agencies on a range of human rights issues before coming to the Bar. Ali has experience relating to a number of regulatory bodies, including the Financial Conduct Authority, Ofcom, OFGEM, the CMA, and the Advertising Standards Authority. Ali’s experience includes:

- *R (Sequoia) v OFGEM & Others* – Acted for the Claimants in a judicial review concerning OFGEM’s decision to place Bulb into ESCA administration.

- *AAA & Ors v Secretary of State for the Home Department* – acting for the lead group of Claimants (which includes Detention Action, Care4Calais and the Public and Commercial Services Union) in their high profile challenge to the Home Secretary’s policy of removing asylum seekers from the UK to Rwanda (in a team led by Raza Husain KC, Phillippa Kauffmann KC and Sam Grodzinski KC).
- *R (Aldi) v Advertising Standards Authority* – Acted for Aldi in a judicial review of the Advertising Standards Authority by a major retailer (unled).
- *Ola v TFL* – Acted for TFL in an appeal of its decision to revoke Ola’s licence to operate in London (led by Marie Demetriou KC and Tim Johnston).
- *R (Joint Council for the Welfare of Immigrants) v Secretary of State for the Home Department* – a judicial review relating to the EU Settlement Scheme (assisting Paul Bowen KC and Emma Mockford, acting for the Claimants).
- *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 >£200m (assisting James McClelland KC, Tim Johnston and Charlotte Thomas).
- *R. (on the application of National Farmers Union) v Secretary of State for the Environment, Food and Rural Affairs* – a judicial review challenging the Secretary of State’s decision to refuse members of the farmer’s union a licence to cull badgers in order to prevent the spread of a disease that has an adverse impact on animal and public health (assisting Maya Lester KC and Malcolm Birdling).
- *FREENOW* – a judicial review brought by an association challenging TFL’s decision to grant FREENOW a licence to operate in London (assisting Marie Demetriou KC and Tim Johnston).
- *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 (assisting Marie Demetriou KC and Tim Johnston).
- *Arumugam and others (in the matter of the Liberation Tigers of Tamil Eelam) v Secretary of State for the Home Department* – an application to the Proscribed Organisations Appeal Commission (POAC) to de-proscribe an organisation proscribed by the Secretary of State under the Terrorism Act 2000. It was argued, inter alia, that the refusal to de-proscribe was in breach of Articles 10 (free expression) and 11 (freedom of association).
- *Privacy International v Secretary of State for Foreign and Commonwealth Affairs* – a case in the Investigatory Powers Tribunal concerning the legality of the government’s policy authorising the commission of crimes by undercover agents. The challenge was brought both on public law grounds and under the European Convention on Human Rights (assisting Victoria Wakefield KC).

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