



№ 255, 8 March 2022

Ms Anna Bradley
Chair of the Board, Solicitors Regulation Authority

Dear Ms Bradley,

On behalf of the All-Ukrainian Non-governmental Non-profit Organisation "Ukrainian Bar Association" (UBA), I would like to assure you in our high respect and to thank you for all the support of the Government of the United Kingdom and its people to Ukraine.

It came to our attention that on 4 March 2022, Solicitors Regulation Authority (SRA) prepared and published guidelines for legal practitioners called "The importance of complying with Russian financial sanctions" (<https://www.sra.org.uk/sra/news/russian-conflict-and-sanctions/>).

Among other things, the guidelines seek to answer the question asked by some firms "about whether or not they should stop representing clients because they are Russian or have links to the Russian regime, even though they are not named on the sanctions list".

In answering this question, SRA advised that: "When it comes to terminating an existing retainer, you will need to consider your position in contract law: case law dictates that you should not do so "without good reason". Each case will be different. For example, it could be a good reason for withdrawing services if the firm felt there were risks in continuing to do so, for example, around money laundering."

We believe that in circumstances of the situation in which Ukraine and Europe find themselves, the notion of "good reason" for termination of contracts with Russian clients should be broadened and should pursue objectives of sanctions and other measures undertaken by the UK and other countries so that to stop atrocities that are being committed in Ukraine by the Russian Government with the support of Russian business.

We believe that the "good reason" should not only include a doubt of money laundering, but must also include any suspicion of direct or indirect ties between solicitors' clientele and the Russian or Belorussian Governments.

The present wording of the SRA guidelines in question might be understood as encouraging legal practitioners to continue working with Russian businesses which are associated with the Russian Government.

UBA urges SRA to update the guidelines in question and other relevant regulations and clearly specify for legal practitioners that business relations with natural or legal entities affiliated with the aggressor countries is against the rules of law and efforts of the international community to stop – by economic rather than military means – the war of aggression.

It is our understanding that the rule of law principle affords lawyers with a choice to terminate contracts with clients who directly or indirectly support or finance the war of aggression.



UK Foreign Secretary, Ms Liz Truss, sent a clear message to the world by saying that: "...we will hit oligarchs and individuals closely associated with the Putin regime and his barbarous war. We won't stop here. Our aim is to cripple the Russian economy and starve Putin's war machine."¹

UK Prime Minister, Mr Boris Johnson, recently presented his plan for ensuring failure of the Russian ambition. The plan in question includes, among other things, maximisation of the economic pressure on Putin's regime and prevention of the creeping normalisation of what Russia is doing in Ukraine².

While using an opportunity, we would also like to bring to your attention the initiative³ of numerous European countries to establish a dedicated Tribunal On Punishment of the Crime of Aggression Against Ukraine. The jurisdiction of the Tribunal, as it is envisaged at the moment, would include not only persons who committed the crime of aggression in respect of the territory of Ukraine, but also "those who have materially influenced or shaped the commission of that crime"⁴.

Ukrainian Bar Association is a non-governmental, non-profit organization which unites lawyers from all areas of the legal profession in Ukraine. Since its establishment in 2002, UBA's goal is to promote adherence to the rule of law in Ukraine and development of the legal profession. To this end, UBA conducts legal research and analysis, monitors progress of implementation of various legislative acts and processes in the justice system and beyond, organizes conferences, round tables and other events aimed at discussion of legislation and practices in a given field, and advocates for sustainable development of the justice sector and for protection of rights of members of the profession.

Yours faithfully,

Anna Ogrenchuk

President of the Ukrainian Bar Association

¹ <https://www.gov.uk/government/news/government-announces-sanctions-against-russian-oligarchs-alisher-usmanov-and-igor-shuvalov>

² <https://www.gov.uk/government/news/pm-we-must-match-our-words-on-ukraine-with-action>

³ <https://gordonandsarahbrown.com/wp-content/uploads/2022/03/Combined-Statement-and-Declaration.pdf>

⁴ Ibid.