

Can Yeginsu

“A natural advocate with the ear of the court...urbane, persuasive, and unflappable. Definitely a barrister for the difficult cases and the greatest pressure.”

– CHAMBERS & PARTNERS, 2024

Year of call: 2007
Degree: M.A. (Oxon), LL.B (London), LL.M (Harvard)
Languages: Turkish (native), French (some knowledge)



Practice Overview

Can Yeginsu is a leading barrister practising in commercial litigation, civil fraud, international commercial and investment arbitration, administrative law, public law and human rights, and public international law.



Described in one directory as *“an outstanding advocate with impeccable judgement and formidable brainpower”*, Can is a *Legal Week “Star of the Bar”* ranked in the upper bands of *Chambers & Partners* and *Legal 500* as a leading senior junior in five practice areas:

- **Commercial Litigation (Band 2)** – *“A superb commercial senior junior who is a dream to instruct...really comes into his own as an advocate against silks in the Commercial Court and is a great cross-examiner. Clients love him, opponents respect him, and judges listen to him. Absolutely top class.”*
- **International Arbitration (Band 1)** – *“Best in his class by some distance and already operating at KC level... authoritative, incisive, and phenomenally effective with witnesses...a natural leader.”*
- **Administrative Law and Human Rights (Band 1)** – *“A natural advocate with the ear of the court. He is urbane, persuasive, and unflappable. Definitely a barrister for the difficult cases and the greatest pressure.”*
- **International Human Rights (Band 1)** – *“Combines a really top commercial nous with voluminous knowledge of international human rights law. He’s top of the game, and by virtue of his academic appointments...a real leader.”*
- **Public International Law (Band 1)** – *“Currently the PIL superstar junior at the London Bar. His academic credentials are superb...a first-rate advocate combining the gravitas of the university professor with the crisp presentation of a London Silk – there is no area he does not have an encyclopaedic knowledge of – whether on issues of state immunity, consular law, investment treaties, or international human rights.”*

Can's cases frequently straddle more than one of these practice areas and he has been recognized as one of "***the Bar's true polymaths...able to advocate in a wide variety of legal areas, with seemingly effortless fluency***" and "***uniquely placed in cases where commercial law or international arbitration meets human rights law.***"

As an English Court advocate, Can frequently appears unled in the Commercial Court, the Chancery Division, and the Administrative Court. He has also acted in over 40 matters in the Court of Appeal, the UK Supreme Court, the European Court of Human Rights, the Inter-American Court of Human Rights, and before the UN treaty bodies. In addition, he has experience of acting as co-counsel in proceedings before the ECOWAS Court of Justice, the Federal Court of Malaysia, the Turkish Constitutional Court, and the Supreme Court of The Gambia. Can is admitted to practise in the Dubai International Financial Centre.

In his arbitral practice, Can is regularly instructed to act as lead counsel in commercial disputes under the LCIA, ICC, LMAA, GAFTA, and CIArb Rules, as well as in ad-hoc arbitrations under the UNCITRAL Rules. He also has extensive experience and expertise in investor-state arbitration (including under the ICSID Rules), a subject he teaches, and arbitration-related applications before the Commercial Court. In 2023, Can was awarded **International Arbitration Junior of the Year** by both *Chambers & Partners* and the *Legal 500*, having been shortlisted in the same category in 2019 and for **International Law Junior of the Year** in 2022. He is one of only five barristers recognized in the third edition of [GAR 45 under 45](#). Can is also recommended as a leading arbitrator ("*very through and decisive*", *WWL*) and has acted as a sole arbitrator or co-arbitrator in over 20 LCIA, ICC, and ad-hoc arbitrations governed by English law or foreign law. He has been appointed to serve as an expert on English Law and Public International Law in several domestic court proceedings and international arbitrations.

In parallel to his practice at the London Bar, Can is a member of the Law Faculties at [Columbia Law School](#) (New York), [Georgetown University Law Center](#) (Washington D.C.), and [Koç University Law School](#) (Istanbul) where he teaches and co-teaches courses on international arbitration, international human rights law, and public international law. He is also a Fellow of the Lauterpacht Centre for International Law (University of Cambridge) and a Senior Fellow of Columbia Law School's Human Rights Institute. Can has delivered lectures (including keynote addresses) at the United Nations, the Council of Europe, UNESCO, and the OSCE.

In 2019, Can was appointed by the Lord Neuberger of Abbotsbury to [The High Level Panel of Legal Experts on Media Freedom](#), the independent advisory body to the 50 State Members of [The Media Freedom Coalition](#), co-chaired by Canada and the Netherlands. In 2021, Can succeeded Amal Clooney as the Deputy Chair of the High Level Panel.

Awards

- International Arbitration Junior of the Year – Chambers & Partners, 2023-2024.
- International Arbitration Junior of the Year – Legal 500, 2023-2024.
- GAR 45 under 45, 2023.
- International Law Junior of the Year – Legal 500, 2022-2023 (shortlisted).
- International Arbitration Junior of the Year – Legal 500, 2019-2020 (shortlisted).
- Star of the Bar – Legal Week, 2013.

Appointments

- Executive Council, American Society of International Law (2023-2026).
- Deputy Chair, The High Level Panel of Legal Experts on Media Freedom (since 2021).
- Adjunct Professor of Law, Georgetown Law (since 2016).
- Visiting Professor of International Law, Koç University Law School (since 2016).
- Lecturer in Law, Columbia Law School (since 2018).
- Senior Fellow, Columbia Law School's Human Rights Institute (since 2018).
- Member, IBA Subcommittee on Investment Arbitration.
- Member, Investment Treaty Forum, BIICL.
- Advisory Board, British Chamber of Commerce – Turkey.

Publications

- With Patrick Pearsall, "Article 26 of the VCLT", in [The General International Law in International Investment Law: A Commentary](#) (OUP, 2024).
- "Covered Investment", in *The Investment Arbitration Review* (2023).
- "Discretionary Suspension of an Award", in [Reflections on International Arbitration: Essays in Honour of Professor George Bermann](#) (Juris Publishing, 2022).
- With Jonathan Hough K.C., [Jervis on Coroners](#) (Sweet & Maxwell, 2019).
- With Sir James Dingemans, *The Protections for Religious Rights: Law and Practice* (OUP, 2013).

Education, Qualification, & Prizes

- University College, Oxford: Double First Class B.A. in English Language and Literature (9th in year); College Scholar, Master's Scholar, and the Stephen Boyd Memorial Prize recipient for the top First in Finals.
- Princeton University: Jane Eliza Procter Fellow.
- City University, University of London: First Class LL.B. (1st in year).
- Harvard Law School: LL.M., Commencement Speaker, and Cravath International Scholar.
- Inner Temple: Treasurer's Prize, Major Scholar, and Princess Royal Scholar.

PRACTICE AREAS

Commercial Litigation

International
Arbitration

Civil Fraud

Public Law &
Human Rights

Public International Law

Professional
Negligence

Sports Law

Commercial Litigation

Directories

"A fantastic barrister." Chambers & Partners, Commercial Dispute Resolution, 2024

"Can is a superb commercial senior junior who is a dream to instruct. He really comes into his own as an advocate against silks in the Commercial Court and is a great cross-examiner. Clients love him, opponents respect him, and judges listen to him. Absolutely top class." Legal 500, Commercial Litigation, 2024

"A brilliant advocate and very sensitive to client needs." Chambers & Partners, Commercial Dispute Resolution, 2024

"Can has an encyclopaedic knowledge of the law and leaves no stone unturned. You know when you send him a brief that he will deliver first rate work." Legal 500, Commercial Litigation, 2023

"Very user-friendly, very bright and very strong technically." Chambers & Partners, Commercial Dispute Resolution, 2023

"Hugely committed, very bright and with outstanding client skills. He has good judgment as to which arguments will attract the court." Legal 500, Commercial Litigation, 2022

"Very user-friendly, very bright and very strong technically." Chambers & Partners, Commercial Dispute Resolution, 2022

"You know when you give him a piece of work, be it a pleading, evidence or skeleton, that it will come back in a state of perfection and that any issues he identifies will be matched by clever solutions – a dream junior barrister." Legal 500, Commercial Litigation, 2021

"A polymath who can turn his hand to any area of litigation, he has the judgement of a far more senior counsel." "He has the gravitas of a natural leader and possesses a giant intellect." Chambers & Partners, Commercial Dispute Resolution, 2019

"An outstanding advocate with impeccable judgement and formidable brainpower." Legal 500, Commercial Litigation, 2019

"Very user-friendly and meticulous" "As an advocate, he's very confident due to his awareness of his own intellectual abilities" Chambers & Partners, Commercial Dispute Resolution, 2018

"Insightful and sharp with excellent strategic and legal drafting skills" Legal 500, Commercial Litigation, 2018

"A first-class international advocate...in a class of his own" Chambers Global, Dispute Resolution, 2017

"His serious legal brainpower is accompanied by a deft touch with clients" Legal 500, Commercial Litigation, 2017

"Our clients want him, listen to and trust him" Legal Week, Stars of the Bar, 2013

Commercial Litigation: Overview

Can is one of the leading senior juniors at the Commercial Bar, ranked in the upper bands of both *Chambers & Partners* and *Legal 500* for Commercial Litigation (**Band 2**), Dispute Resolution (**Band 3**), and International Arbitration (**Band 1**). He was one of two senior juniors from the London Bar featured in Lawdragon's 500 Leading Global Litigators (2023) and in 2013 was recognized as one of *Legal Week's* ten "**Stars of the Bar**".

Can has appeared at all levels of the English Courts and has experience of a very broad range of commercial disputes in the Commercial Court and Chancery Division, ranging across:

- Applications for pre-action disclosure and urgent injunctive relief (including freezing and proprietary injunctions).
- Bringing and resisting applications for security for costs.
- Claims giving rise to issues of choice of law and/or jurisdictional disputes.
- Enforcement proceedings.
- Civil fraud (see separate practice area), with particular experience in conspiracy and economic tort claims, and frauds arising in the investment context, shareholder disputes, and agency contracts, as well as advanced fee frauds.
- Partnership disputes.
- Technology and IT disputes.
- Disputes between franchisors and franchisees.
- Professional Negligence.
- Commodities disputes.
- Wrotham Park, or Licence Fee, Damages.
- Bringing substantial claims for damages under s. 8 of the Human Rights Act 1998, alternatively commercial just satisfaction claims in the European Court of Human Rights, for violation of property rights under Article 1 of the First Protocol to the European Convention.
- The Sale of Goods Act 1979 and Supply of Goods and Services Act 1982.
- Matters concerning the enforcement of loans and guarantees.

A considerable amount of Can's commercial work includes an international or cross-border dimension, often giving rise to complex jurisdictional and/or choice of law matters. His expertise in international commercial and investment arbitration makes him a popular choice for arbitration-related applications before the English Commercial Court, particularly in relation to the enforcement of, or challenges to, arbitral awards under the 1996 Act.

Can also accepts instructions, and has been appointed, to give evidence as an expert in English Commercial Law, both in domestic court proceedings and international commercial arbitrations. Can is a member of COMBAR and the IBA's Litigation Committee.

Commercial Litigation: Notable Cases

- *Radisson Hotels ApS Danmark v Hayat Otel* [2023] EWHC 892; [2023] 1 Lloyd's Rep. 642 (Commercial Ct) – S.68 challenge to an ICC Award on grounds of serious irregularity following *ex parte* communications between an arbitrator and the party that had appointed her. Involved considerations of waiver under s.73. Led by Ali Malek K.C., instructed by Quinn Emanuel.

- *Dalkilic v Pekin* [2021] EWHC 219 (Ch) – Acted un-led for one of the claimants in a shareholder dispute in the Chancery Division concerning the ownership of a valuable manufacturing company in which the Bacon J granted declaratory relief (in relation to beneficial ownership), in addition to orders for the transfers of shares, and payments of historic dividends. Instructed by Addleshaw Goddard.

- *Handcart Investments Limited v Pavel Fuchs* (Commercial Ct) – Defending £45 million unlawful means conspiracy and procurement of breach of contract claims in connection with £320 million property development in Moscow. Case involved complex points of BVI, English, Russian, and Cypriot law and the principles of reflective loss following the decision of the Court of Appeal in *Carlos Sevilleja Garcia v Marex Financial Limited* [2018] EWCA Civ 1468. Instructed by Quinn Emanuel.

- *Yayla Agro Gida San Ve Nak AS v Alegrow SA* [2020] EWHC 1845; [2021] 1 Lloyd's Rep 565 (Commercial Ct) – Lead counsel (leading Joshua Folkard, Twenty Essex) instructed to resist: (i) s. 69 challenge to GAFTA Appeal Award; and (ii) application to suspend the Award in England following advance of enforcement proceedings in Switzerland. Instructed by Memery Crystal.

- *Bazhanov v Fosman* [2018] 1 WLUK 157 (Commercial Ct) – High profile successful jurisdiction challenge, led by Stuart Ritchie K.C. (Fountain Court): permission to serve proceedings on Russian defendants was set aside as there was no good arguable case that binding agreements had been made for the provision of services to refinance a Russian company, or that English law and jurisdiction was to apply. Instructed by Quinn Emanuel.

- *Marathon Asset Management v Seddon & Ors* [2017] EWHC 300; [2017] ICR 791 (Commercial Ct) – 5 week trial between asset management professionals, acted for the main D to claims for conspiracy, breach of duty, and breach of confidence. Involved detailed consideration of Wrotham Park/negotiating damages. Successfully argued that damages should be nominal. Led by Stuart Ritchie K.C. (Fountain Court). Listed by *The Lawyer* as one of the Top 20 cases of 2016-7. Instructed by Withers.

- *Breyer Group v Department of Energy and Climate Change* [2016] EWHC 763 (Commercial Ct) – Led by Patrick Lawrence K.C. (4 New Square), in a £195 million claim for damages under s. 8 of the Human Rights Act 1998 for violation of the claimants' rights under Article 1 of the First Protocol (ECHR), following the government's proposed retrospective changes to the feed-in-tariffs scheme for solar photovoltaic installations. Successful in the trial of preliminary issues at first instance ([2014] EWHC 2257) and in the Court of Appeal ([2015] EWCA Civ 408). Trial settled in 2017.
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- *Patel v Barrowfen* [2016] (Companies Ct) – Sole counsel, acting for two family members of a leading family business in a substantial dispute involving multiple commercial vehicles and spanning multiple jurisdictions, involving allegations of fraud and interests in excess of US \$120 million. Instructed by Withers.
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- *Pivdenny Bank* [2014] (Commercial Ct) – Sole counsel, representing a Ukrainian Bank in a claim for declaratory relief (and linked enforcement proceedings) relating to rights under a number of ship mortgages, following arrests of the vessels in foreign waters. The case was part of the multiple proceedings relating to the hundreds of millions of pounds of state assets believed to have been owned or used by the ousted Ukrainian President Viktor Yanukovich and his circle. Instructed by Withers.
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- *Araci v Fallon* [2011] EWCA CIV 668 (CA) – Leading Court of Appeal authority on prohibitory injunctions [2011] EWCA Civ 668; [2011] LLR 440. In a case where a jockey had entered into an agreement with a racehorse owner that placed him under a positive obligation to ride that owner's horse when asked, and a negative obligation not to ride a rival horse, the court granted an interim injunction preventing him from breaching his obligations by riding a rival owner's horse in the Epsom Derby.

International Arbitration

Directories

“Can clearly stands out... best in his class by some distance and already operating at KC level...authoritative, incisive, and phenomenally effective with witnesses. A natural leader who sets a terrific example.” Legal 500, International Arbitration, 2024

“A gifted advocate who commands the room and is persuasive with every point he takes.” Chambers & Partners, International Arbitration 2024

“We always feel lucky to work with Can. He is highly intelligent and has meticulous attention to detail.” Chambers & Partners, International Arbitration 2024

“One of the most gifted oral advocates at the London Bar.” Chambers & Partners, International Arbitration, 2023

“He has got a really good feel for which way an international arbitration tribunal will go, and he is impeccably bright.” Chambers & Partners, International Arbitration, 2023

“He has a fantastic sense of how an arbitrator would approach the issues and caters his advice accordingly.” Legal 500, International Arbitration, 2023

“A truly outstanding arbitration counsel, who is equally good in commercial and investment cases. He is a natural leader and always has the ear of the tribunal.” Legal 500, International Arbitration, 2022

“Falls into the exceptional category for us. Although he is not yet in silk, he clearly operates at that level, instilling trust and confidence in all professional settings.” Legal 500, International Arbitration, 2021

“Excellent with clients” Chambers & Partners, International Arbitration, 2019

“Handles himself superbly in demanding cases” Legal 500, International Arbitration, 2019

“A brilliant arbitration senior junior, equally at home dealing with commercial or investment claims. He is excellent when it comes to strategic advice. He is also highly regarded within the international arbitration community” Chambers & Partners, International Arbitration, 2018

“Very user-friendly and meticulous” “As an advocate, he’s very confident due to his awareness of his own intellectual abilities” Chambers & Partners, Commercial Dispute Resolution, 2018

“He is fiercely clever but also a true team player; he knows arbitration inside out and is a very elegant and effective advocate” Chambers & Partners, International Arbitration, 2017

“A first-class international advocate...in a class of his own” Chambers Global, Dispute Resolution, 2017

International Arbitration: Overview

Can has a leading reputation globally as a specialist international arbitration practitioner – both as Counsel and as Arbitrator. He has been awarded **International Arbitration Junior of the Year** by both *Chambers & Partner* and *Legal 500*, having been shortlisted previously in the same category, and is a **Band 1** Arbitration Counsel in both legal directories. He is one of only five barristers recognized in the **GAR 45 under 45**, and has also been ranked for many years in *WWL*, both as Counsel and as Arbitrator.

Can's arbitration practice spans both commercial and investment arbitration, as well as arbitration-related applications before the Commercial Court. He is usually retained as the lead advocate, and is accustomed to leading a team, or working as co-counsel with overseas lawyers. His approach as an advocate is informed by his considerable experience of sitting as an arbitrator.

Commercial Arbitration

Can has an standout reputation in commercial arbitration. His cases cover a broad spectrum of business sectors and industries, including aerospace, I.T. and technology, telecommunications, oil and gas, renewable energy, mining, banking and finance, entertainment, and commodities.

While the majority of Can's cases are governed by English law, he is in a narrow cohort of barristers whose familiarity with foreign law and legal systems (including civil law systems) make them a natural choice for disputes with a non-English governing law or seat. Can has argued cases under French, Swiss, Turkish, U.S., and Singaporean law, and acted in arbitrations seated in Paris, Geneva, Zurich, Istanbul, Singapore, and Dubai.

Can is a member of the LCIA, ICC, ICCA, and Swiss Arbitration Association.

Investment Arbitration

Can is one of the UK's leading practitioners in investment arbitration. Alongside a busy advisory practice, he has already acted for investors and States as lead advocate or co-Counsel in seven investment disputes, mainly at ICSID. His expertise, and academic background, in public international law has made Can a popular choice for investment arbitrations that raise difficult questions of public international law.

Every year Can teaches courses on investment law and arbitration at [Georgetown University Law Centre](#) and Koç University Law School where he has been a Visiting Professor since 2016. He also teaches public international law and international human rights at Columbia Law School. Can is an officer of the IBA's Investment Arbitration Subcommittee and a member of BICCL's [Investment Treaty Forum](#).

Arbitration-Related Court Applications and Enforcement Actions

A substantial part of Can's court practice involves applications and claims in the Commercial Court relating to arbitrations, whether in the form of challenges under ss.67-69 of the 1996 Act, seeking or resisting enforcement of domestic or foreign awards (including awards against States), or making or resisting applications for interim relief.

Can also has significant experience of advising on the global enforcement of arbitral awards, including enforcement strategies for, and against, States. He is an authority on the use of human rights law and mechanisms to secure the enforcement of arbitral awards, with a particular focus on enforcement actions before the national courts of Council of Europe States.

International Arbitration: Notable Arbitrations and Cases

- Confidential ICC Arbitration [2023] – Lead advocate and co-counsel for claimant Panamanian company in relation to a \$70 million+ claim for breach of an agreement relating to the development, management, and support services for the provision of energy to a Caribbean State. Leading Ian McDonald, instructed by Shutts & Bowen (Miami). English law, Paris seat.

- ICSID Case No. ARB/23/36: *Gürüş İnşaat v Kingdom of Saudi Arabia* – Lead counsel for investor in a substantial ICSID claim alleging judicial expropriation and denial of justice.

- *Radisson Hotels ApS Danmark v Hayat Otel* [2023] EWHC 892; [2023] 1 Lloyd’s Rep. 642 (Commercial Ct) – S.68 challenge to an ICC Award on grounds of serious irregularity following *ex parte* communications between an arbitrator and the party that had appointed her. Involved considerations of waiver under s.73. Led by Ali Malek K.C., instructed by Quinn Emanuel (London), with Calum Mulderrig.

- Confidential ICC Arbitration [2022] – Lead advocate and co-counsel in \$180 million ICC claim relating to business partnership agreement in connection with a very substantial contract for the supply of commercial aircraft to one of the largest mainline carriers in the world. Instructed by Gide (Paris). French law, Swiss seat.

- Confidential LCIA Arbitration [2022] – Lead counsel for the claimant technology company in a claim for breach of contract in relation to the delivery of information technology services to an international electricity utility company. Leading John Williams, instructed by Payne Hicks Beach (London). English law, London seat.

- ICSID Case No. ARB/21/23: *İmeks v Turkmenistan* – Lead advocate and co-counsel in substantial ICSID claim relating to the alleged expropriation of construction projects. Instructed by WilmerHale (Washington D.C.).

- Confidential LCIA Arbitration [2021] – Lead advocate for claimant energy company in LCIA arbitration claim arising from the breach of a share purchase agreement between two international energy companies. Leading Ian McDonald, instructed by Mayer Brown (London). English law, London seat.

- *Yayla Agro Gida San Ve Nak AS v Alegrow SA* [2020] EWHC 1845; [2021] 1 Lloyd's Rep 565 (Commercial Ct) – Lead counsel instructed to resist: (i) s. 69 challenge to GAFTA Appeal Award; and (ii) application to suspend the Award in England following advance of enforcement proceedings in Switzerland. Leading Joshua Folkard (Twenty Essex), instructed by Memery Crystal (London).

- ICSID Case No. ARB/21/20: *Visor Mühendislik and Gökhan Araslı v Turkmenistan* – Lead advocate for foreign investor in relation to a claim relating to several construction projects. Instructed by Mayer Brown (Paris and London).

- Confidential ICC Arbitration [2020] – Lead advocate for Spanish conglomerate respondent against US conglomerate claimant in a US\$ 100 million ICC arbitration relating to the breakdown of a closed consortium agreement for the design, supply and installation of a giant powerplant in South America. Instructed by Dunning Rievmann & MacDonald (New York). English Law, Paris seat.

- Confidential LCIA Arbitration [2020] – Sole counsel for the claimant in relation to breach of franchise agreement. Singaporean law, London seat.

- ICSID Case No. ARB/19/32: *DSG Yapi v Kingdom of Saudi Arabia* – Acted for claimant investor in relation to ICSID claim relating to the alleged expropriation of a large scale construction project. Instructed by Lalive (Geneva).

- Confidential ICC Arbitration [2019] – Sole counsel in a US \$23 million ICC arbitration in relation to one of Nigeria's largest electricity distributors in the context of a joint venture dispute. Swiss law, Swiss seat.

- ICSID Case No. ARB/18/34: *SECE İnşaat v Turkmenistan* – Lead advocate in substantial ICSID claim brought against Turkmenistan. Leading Anthony Jones, instructed by Quinn Emanuel (London).

- Confidential ICC Arbitration [2018] – Lead counsel in a dispute concerning the alleged sale and purchase of cement clinker between two foreign companies. Instructed by Withers LLP (London). English law, London seat.

- ICSID Case No ARB/16/1: *Al Jazeera v Egypt* – advising international human rights organizations in connection with the ICSID claim brought by Al Jazeera in relation to detention of journalists by the Egyptian authorities, considering the emerging question of the extent to which international human rights obligations are implied into, or relevant to the interpretation of, investor protections.
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- Ad Hoc Arbitration [2017] – Acting as sole counsel for a European commodity distributor in an ad hoc arbitration against a European steel supplier. English law, London seat.
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- Confidential ICC Arbitration [2017] – Lead advocate for a national telecommunications operator in USD \$85 million ICC arbitration. Turkish law, Swiss seat.
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- Confidential LCIA arbitration [2016] – Acting for an investment company in a \$80 million LCIA arbitration under the terms of a shareholders' agreement in a dispute relating to the operation of an oil terminal connected to the CPC pipeline. Instructed by Covington (London). English law, London seat.
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- Confidential LCIA Arbitration [2015] – Acting and advising in a substantial LCIA arbitration relating to contracts for the purchase of aircraft jet engines. Led by Patrick Lawrence K.C. English law, London seat.
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- Confidential ICC arbitration [2015] – Advising on enforcement issues relating to a \$60 million ICC Award against a State. Instructed by Skadden (London).
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- Confidential LMAA Arbitration [2015] – Advising in relation to an LMAA arbitration in a dispute regarding contracts to build super yachts. Instructed by Peters & Peters (London).

Civil Fraud

Can is regularly instructed in a range of civil fraud and asset recovery claims as a part of his strong Commercial Litigation (**Band 2**) and International Arbitration (**Band 1**) practice. Many of his cases are multi-jurisdictional in nature. Can regularly acts in, and advises on, matters concerning:

- Conspiracy
- Breach of fiduciary duty
- Misappropriation of company assets
- Sham investment schemes
- Secret commissions
- Fraud by agents
- Civil contempt
- Fraud pleas and corruptions allegations in arbitration

Can is well-versed in using the coercive powers of the English High Court for the securing of evidence and the preservation, tracing and recovery of assets, including drafting and obtaining search, freezing and disclosure orders, travel restraint orders, and orders to obtain information from judgment debtors under CPR Part 71.

Civil Fraud: Notable Cases

- Confidential ICC Arbitration [2022] – Lead counsel defending very substantial claims arising out of an alleged conspiracy relating to business partnership agreement in connection with a contract for the supply of commercial aircraft. Instructed by Gide.
- *Handcart Investments Limited v Pavel Fuchs* (Commercial Ct) – Defending £45 million unlawful means conspiracy and procurement of breach of contract claims in connection with £320 million property development in Moscow. Case involved complex points of BVI, English, Russian, and Cypriot law and the principles of reflective loss following the decision of the Court of Appeal in *Carlos Sevilleja Garcia v Marex Financial Limited* [2018] EWCA Civ 1468. Instructed by Quinn Emanuel.
- *Patel v Barrowfen* (Companies Ct) – Acting (unled) for two family members of a leading family business in a substantial dispute involving multiple commercial vehicles and spanning multiple jurisdictions, involving allegations of fraud and interests in excess of US \$120 million. Instructed by Withers LLP (London LLP).
- £13 million secret commission claim – Acting as sole counsel in a £13 million secret commission and action for damages for fraud claim. Instructed by Fieldfisher.

- *Marathon Asset Management v Seddon & Ors* [2017] EWHC 300; [2017] ICR 791 (Commercial Ct) – Instructed for the lead defendant (led by Stuart Ritchie K.C., Fountain Court) in a £40 million unlawful means conspiracy claim in the Commercial Court. Listed as one of *The Lawyer's* Top 20 cases of 2016-2017. Instructed by Withers.

- €3.5 million fraud claim [2015] (Commercial Ct) – Acted as sole counsel in a €3.5 million fraud claim against a French tycoon based in Paris. Involving issues relating to jurisdiction and enforcement. Instructed by McDermott Will & Emery.

- In the matter of *Ananta International* [2015] – Acted (with Neil Hext K.C.) for a foreign conglomerate in a fraud claim (and related injunctive proceedings) arising out of a substantial advance fee fraud.

- *Pivdenny Bank* [2014] (Commercial Ct) – Represented a leading Ukrainian Bank in the in a claim for declaratory relief (and linked enforcement proceedings) relating to rights under a number of ship mortgages, following arrests of the vessels in foreign waters. The case is part of the multiple proceedings relating to the hundreds of millions of pounds of state assets believed to have been owned or used by the ousted Ukrainian President Viktor Yanukovich and his circle. Instructed by Withers.

- *Brown & Ors v Innovatorone Plc & Ors* [2012] EWHC 1321 – Led by John Powell K.C. and Graham Chapman K.C. in a 18 week Commercial Court trial of a c.£50m complex claim involving multiple tax avoidance schemes and allegations of fraud against individuals and professional advisors. Issues arising included breach of trust, dishonest assistance, conspiracy, insurance and coverage points, and causes of action under the Financial Services and Markets Act 2000. One of *The Lawyer's* Top 20 cases of 2012, 2011, 2010. Instructed by Enyo LLP.

Public Law & Human Rights

Directories

"Can is a natural advocate with the ear of the court. He is urbane, persuasive, and unflappable. Definitely a barrister for the difficult cases and the greatest pressure." Legal 500, Administrative Law and Human Rights, 2024

"He combines a really top commercial nous with voluminous knowledge of human rights law. He's top of the game, and by virtue of his academic appointments he is a real leader who is always on top of new developments." Chambers & Partners, International Human Rights Law, 2024

"There is also no-one with better knowledge of the law on freedom of expression, freedom of religion, and arbitrary detention. He is uniquely placed in cases where commercial law or international arbitration meets human rights law." Legal 500, Civil Liberties & Human Rights, 2022

"He is superb. Can is particularly good at thinking about practicalities." "His freedom of expression work domestically is quite standout." "He is brilliant, knowledgeable, diligent, and charming." Chambers & Partners, Civil Liberties & Human Rights, 2022

"Profound knowledge of freedom of expression and the quality of his work is superb." Legal 500, Civil Liberties & Human Rights, 2021

"Extremely bright and able...very good at making a compelling and compact legal argument out of complex matter" Chambers & Partners, Civil Liberties & Human Rights, 2019

"Insightful, sharp and a pleasure to work with; he always goes above and beyond" Legal 500, Administrative & Public Law, 2018

"He is exceptionally bright and has a superb knowledge of the law. He has an extraordinary ability to link and make connections between various issues. He has superb insight into cases, turns around work really quickly and it is always of a superb quality. Also, he is delightful to work with" Chambers & Partners, Administrative & Public Law, 2018

"Rightly instructed in a number of the highest profile cases in the field" Legal 500, Civil Liberties & Human Rights, 2018

"He has an excellent brain" Legal 500, Administrative & Public Law, 2017

"Extraordinarily easy to deal with. He can turn work around instantly and do a brilliant job. He doesn't put a foot wrong" Chambers & Partners, Administrative & Public Law, 2016

"Works quickly to produce incisive, articulate and persuasive work" Legal 500, Administrative and Public Law, 2015

"He's incredible. He's very nice, easy-going, charming and easy to speak with. He's very knowledgeable, but is also a very modern barrister. He's really good with clients" Chambers & Partners, Administrative & Public Law, 2015

Public Law & Human Rights: Overview

Can is one of the leading senior juniors at the public law and human rights Bar, ranked in **Band 1** in the areas of Administrative Law, Civil Liberties, and International Human Rights. His broad-ranging practice encompasses:

- judicial review in the commercial, party political funding, and regulatory contexts;
- public law challenges to the decisions of coroners;
- claims under the Human Rights Act 1998 (including claims for damages);
- applications before the European Court of Human Rights, Inter-American Court of Human Rights, and other regional human rights courts;
- applications before the UN treaty bodies;
- applications before the UN Working Group on Arbitrary Detention;
- constitutional petitions in European, African, and Common Law jurisdictions; and
- advising states on the compatibility of laws (including constitutional provisions) with the ECHR and international standards.

Can is one of the world's leading authorities on freedom of expression and the protection of journalists, a subject he also teaches at [Columbia Law School](#), and advises States on in his capacity as Deputy Chair of the [High Level Panel of Legal Experts of Media Freedom](#), the independent advisory arm of [Media Freedom Coalition of States](#).

Can's [Advisory Report](#) for the High Level Panel on *Safe Refuge For Journalists at Risk* has led to the establishment of a new "Emergency Visa" for journalists at risk and/or related protective mechanisms in numerous States, including Canada, Estonia, the Czech Republic, Latvia, Lithuania, and Germany.

Civil Liberties & Human Rights

Can is a highly sought-after lead advocate in sensitive or difficult civil liberties and human rights cases before all levels of the English courts, the European Court of Human Rights, the Inter-American Court of Human Rights, the ECOWAS Court of Justice, and before the United Nations Bodies.

Can has a stand-out reputation in cases involving: (i) **the right to freedom of expression and media freedom**; (ii) **religious rights**; (iii) **the right to liberty / arbitrary detention**; and (iv) **the right to a fair trial**.

In addition, Can has a busy practice advising on, and acting in, cases involving the **right to property** under Article 1 of the First Protocol to the ECHR (including cases involving the enforcement of court judgments and arbitral awards in Council of Europe States). Can is uniquely placed to advise on, and act in, cases at the intersection of human rights, public international law, and commercial law.

Can has acted as lead or sole advocate in over 30 cases or communications before the ECtHR (including its Grand Chamber), the Inter-American Court of Human Rights, the ECOWAS Court of Justice, the UN Human Rights Committee, and the UN Working Group on Arbitrary Detention.

He has acted as International Counsel for Nobel Peace Laureate Maria Ressa (with Amal Clooney and Caoilfhionn Gallagher K.C.), the as lead counsel for the Wikimedia Foundation, Radio Free Europe / Radio Liberty, and prize-winning writer and human rights defender Alaa Abd el-Fattah.

Can is [Senior Fellow](#) at Columbia Law School's Human Rights Institute, a Trustee of English PEN, and a UK Advisory Board member of RSF. He is co-author, with Sir James Dingemans, of the leading practitioner text [The Protections for Religious Rights: Law and Practice](#) (Oxford University Press).

Judicial Review

Can has a broad public law practice, regularly appearing unled in the Administrative Court, and acting in public law appeals before the Court of Appeal and the Supreme Court. He has a leading reputation for:

- JRs involving the right to freedom of expression (Article 10, ECHR), having acted as lead counsel for English PEN, Media Defence, and Article 19 in the judicial review (and successful appeal) brought by David Miranda about his detention under anti-terrorism powers while carrying journalistic material, and for English PEN in the Supreme Court appeal brought by concert pianist James Rhodes regarding the publication of his memoir.
- Representing coroners in the Administrative Court. He has acted as sole counsel in a number of important reported decisions in this area, and is an editor of [Jervis on Coroners](#).
- JRs engaging the right to freedom of thought, conscience and religion (Article 9, ECHR). Can was sole counsel in *Rotsztein* and is co-author of the leading textbook in this area, with a busy advisory practice.
- Claims brought under the right to peaceful enjoyment of possessions (A1P1, ECHR) and commercial human rights claims. Can was counsel for the successful claimants in *Breyer* (Admin Ct and CoA) and acted for HSH Nordbank in its \$75 million property rights claim before the ECtHR.
- Bringing applications against the Legal Ombudsman, Financial Ombudsman Service and Financial Services Compensation Scheme (he was junior counsel in the CoA in *Emptage*).
- Party political finance cases (he was junior counsel in the Supreme Court in *UKIP v Electoral Commission*).

Can is a member of ALBA and Lawyers for Liberty.

Constitutional Law

Can conducts **constitutional litigation** abroad, subject to local requirements. He has experience of acting as co-counsel in cases before the Supreme Court of the Gambia, the Federal Court of Malaysia, and the Turkish Constitutional Court. He also has a busy advisory practice advising states on the compatibility of domestic law (including constitutional provisions) with the ECHR and international standards.

Public Law & Human Rights: Notable Cases and Advisory Matters

- *Alaa Abd el-Fattah v Egypt* (UNWGAD) – Lead counsel to prize-winning UK-Egyptian writer and human rights defender, Alaa Abd el-Fattah, in high-profile petition before the UN Working Group on Arbitrary Detention, challenging Mr. el-Fattah’s continuing detention. Leading Ian McDonald.

- *RFE/RL v Russia* (ECtHR) – Lead advocate to applicant international media outlet Radio Free Europe / Radio Liberty in its challenge to the designation of RFE/RL as a “foreign agent” in the Russian Federation. Case has been granted priority status by the ECtHR. Leading Ian McDonald, instructed by Covington (New York and Washington D.C.).

- *In the matter of Maria Ressa* (various) – Acting as International Counsel (with Amal Clooney and Caoilfhionn Gallagher K.C.) to Nobel Peace Laureate and award-winning journalist Maria Ressa in relation to civil and criminal proceedings brought against her for alleged securities fraud, tax evasion, cyberlibel and breach of foreign ownership laws.

- *R (on the application of Rev Ade Omooba & Ors) v The Secretary of State for Health and Social Care* (Admin Ct) – Instructed by a group of faith leaders to seek judicial review of the COVID-19 lockdown measures introduced in England and Wales in the autumn of 2020 in relation to their effects upon places of worship. Led by Jonathan Hough K.C.

- *Palacio Urrutia et al. v Ecuador* (Inter-American Ct) – Lead counsel for the High Level Panel in successful landmark application (Serie C. No. 446) challenging criminal defamation statutes as applied to El Universo, one of Ecuador’s most widely circulated newspapers. Instructed by Webber Wentzel (Johannesburg).

- Confidential Sanctions Advice to International Media Organisation: on the potential impact of the changes to the EU’s sanctions regime relating to the broadcasting of content by the Russian state-owned news agency Sputnik News, and the Russian state-controlled network Russia Today.

- *Wikipedia v Turkey* (ECtHR) – Lead advocate for the Wikimedia Foundation in its successful challenge to the State’s decision to block access to all Wikipedia sites on the basis of purported national security violations. Case was granted priority status by the ECtHR. Leading Claire Overman (Doughty Street).

- *Amnesty International Togo v Togo* (ECOWAS Ct) – Lead counsel for international NGOs in landmark (and successful) challenge to the decision of the Togolese government to block access to the Internet.

- *Tulio Álvarez v Venezuela* (Inter-American Ct) – Lead counsel to ARTICLE 19. Mr. Alvarez is a journalist who was sentenced under Articles 444 and 77 of the Venezuelan Penal Code for the crime of aggravated defamation, in relation to an opinion column he published in the newspaper *Así es la Noticia* in 2003. Leading Anthony Jones and Marie Claire O’Kane.

- *Big Brother Watch v UK* (ECtHR and GC) – Acted (led by Hugh Southey K.C.) before the First Section and on appeal to the Grand Chamber for the Center for Democracy and Technology in the Article 8 and Article 10 challenge to the scope of the secret interception and use of communications by the UK under the Regulation of Investigatory Powers Act 2000.

- *Aynur Ganbarova and Others v Azerbaijan* (ECtHR) – Lead counsel to ARTICLE 19 (leading Anthony Jones and Diarmuid Laffan) in a third party intervention focussing on whether a travel restriction on a journalist was capable of engaging Article 10, ECHR.

- ICSID Case No ARB/16/1: *Al Jazeera v Egypt* – advising international human rights organizations in connection with the ICSID claim brought by Al Jazeera in relation to detention of journalists by the Egyptian authorities, considering the emerging question of the extent to which international human rights obligations are implied into, or relevant to the interpretation of, investor protections.

- *Mandlí and ors v Hungary* (ECtHR) – Lead counsel acting for Media Defence, the Helsinki Foundation for Human Rights, Mass Media Defence Centre, Ossigeno Per L’Informazione, and Media Development Centre in the Article 10 challenge to Hungarian laws forbidding journalists from entering and reporting from parliamentary premises.

- *Navalnyy v Russia* (ECtHR) – Lead counsel for Media Defence in the Article 10 challenge to the extension of defamation liability under Russian law to online blogs which link to third party content.

- *Federation of African Journalists v The Gambia* (ECOWAS Court of Justice) – Lead co-counsel for a leading African journalism union and Gambian journalists in successful landmark challenge to the Gambia’s laws on criminal defamation and “false news”. Leading Anthony Jones.

- *Ismayilova v Azerbaijan* (ECtHR) – Lead counsel for 16 free expression and media freedom organisations to address the question of the scope of positive obligations under the Article 8 and Article 10, ECHR. Leading Miranda Butler, Landmark Chambers.

- *Rhodes v OPO* [2016] A.C. 219 (UKSC) – Led by Adrienne Page K.C. in appeal relating to the proper scope of the tort in *Wilkinson v Downton* ([1897] QB 57) in the case of an injunction prohibiting the publication of a memoir by the concert pianist, author and television film maker, James Rhodes. Submissions were focussed on Article 10, ECHR.

- *R (Miranda) v SoS for the Home Department* [2016] 1 W.L.R. 1505 (CA) – Instructed as lead counsel by ARTICLE 19, English PEN and Media Defence in the Admin Court and Court of Appeal intervening in the challenge brought to the use of the Terrorism Act 2000 to detain David Miranda when he was carrying material from the Edward Snowden NSA leaks. The Court of Appeal issued a rare declaration of incompatibility, concluding that the Terrorism Act power used were incompatible with Article 10, ECHR.

- *Breyer Group Plc v DECC* [2015] 1 W.L.R. 4559 (CA) – Led by Patrick Lawrence K.C., in £195 million claim for damages under s. 8 of the Human Rights Act 1998 for violation of the Claimants' rights under Article 1 of the First Protocol (ECHR), following the government's proposed retrospective changes to the feed-in-tariffs scheme for solar photovoltaic installations. Successful in the trial of preliminary issues at first instance ([2014] EWHC 2257) and in the Court of Appeal ([2015] EWCA Civ 408).

- *(Rotsztein) v HM Senior Coroner* [2015] EWHC 2764 (Admin) – Instructed as sole counsel in judicial review proceedings relating to the approach to be taken by coroners when ordering invasive post mortem examinations in circumstances where the family of the deceased has raised religious objections under Article 9, ECHR. The case was identified by the court as one of public importance and is now the leading authority in this area.

- *BIJ & Ross v UK* (ECtHR) – Led by Hugh Southey K.C. in Article 10, ECHR challenge to the lawfulness of the UK's contribution to worldwide government systems of communications interception.

- *Gambian Press Union, Jammeh & Ceesay v The Gambia* [2015] (SC) – Acting as lead co-counsel on behalf of leading journalists in a challenge before the Supreme Court of The Gambia to the constitutionality of certain sedition and criminal defamation laws on the basis that they violate fundamental human rights under the Gambian Constitution.

- *Emptage v FSCS* [2013] EWCA Civ 729 (CA) – Acted (led by Mark Cannon K.C.) for the successful applicant in landmark judicial review [2012] EWHC 2708 of the FSCS's decision to award compensation pursuant to the compensation scheme established under part XV of the Financial Services and Markets Act 2000, and administered by FSCS. The case raised important issues of principle about the proper application of the Scheme to cases where an applicant has borrowed money pursuant to a regulated mortgage contract. Can also appeared successfully resisting the FSCS's appeal in the Court of Appeal.

- *R (Aly) v HM Coroner*[2011] (Admin) – Acted as sole counsel successfully defending the Coroner in resisting a judicial review application challenging his decision to direct a postmortem examination. The Claimant had sought to argue that the decision constituted, in the circumstances of the case, a disproportionate interference with her right to manifest her religious beliefs under Article 9 and her right to respect for her private and family life under Article 8.
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- *UKIP v The Electoral Commission*[2010] UKSC 40 (UKSC) – Appeared (led by Patrick Lawrence K.C.) before a seven-strong UK Supreme Court, in successful appeal in respect of the proper interpretation of the domestic law on the funding of political parties in the United Kingdom and its compatibility with the ECtHR.
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- *R (Mack) v HM Coroner*(Admin) [2010] – Acted as sole counsel successfully defending the Coroner in judicial review proceedings in which the Claimant raised issues in relation to: (i) the scope of the inquest and Article 2, ECHR; (ii) the law on circumstances in which a coroner must, alternatively may, decide to sit with a jury; and (iii) the law on “neglect”.

Public International Law

Directories

“Can is currently the PIL superstar junior at the London Bar. His academic credentials are superb, a first-rate advocate combining the gravitas of the university professor with the crisp presentation of a London Silk – there is no area he does not have an encyclopaedic knowledge of – whether on issues of state immunity, consular law, investment treaties, or international human rights.” Legal 500, Public International Law, 2024

“Can is excellent – very responsive and very detailed.” Chambers & Partners, Public International Law, 2024

“A very well rounded barrister.” Chambers & Partners, Public International Law, 2024

“Can is a superb advocate who in our experience always has the ear of the Court or international Tribunal. He instils confidence with an encyclopaedic knowledge of international law – bringing the gravitas of being a professor in international law – but is also a master strategist.” Legal 500, Public International Law, 2023

“A rising star in the PIL arena who is a real thought leader in media freedom-related matters.” Chambers & Partners, Public International Law, 2023

“His knowledge and understanding of international law is extensive and he really comes into his own before an international tribunal as an advocate.” Legal 500, Public International Law, 2022

“He is polished in how he communicates advice to clients and how he communicates advocacy positions.” *“A rising star in the PIL arena who is a real thought leader in media freedom-related matters.”* Chambers & Partners, Public International Law, 2022

“A first-class international lawyer, with a very impressive breadth of expertise in the field. He has an unusual breadth of experience, spanning both commercial law and human rights, which is a great asset in cases that include elements of both.” Legal 500, Public International Law, 2021

Public International Law: Overview

Can has developed a significant and broad practice in public international law before domestic and international courts and tribunals. He is ranked as one of the leading senior juniors in the field in *Legal 500* (**Band 1**), and *Chambers & Partners* (**Band 2**), and was shortlisted in 2022 for **International Law Junior of the Year**.

Can acts as counsel for states (including for USG), state organs, foreign investors, international organizations, multinational companies, banks, and individuals, providing advice and advocacy at all stages across a broad spectrum of issues, with a stand-out reputation for:

- International investment law and arbitration.
- International human rights law, including the key UN and regional human rights treaties and treaty bodies.

- The law on diplomatic and state immunity.
- The law on state responsibility.
- International claims commissions and reparations (appointed to the Columbia Law School [International Claims and Reparations Project](#) to advise the Government of Ukraine).
- The international law of armed conflict and international humanitarian law.

Can's public international law practice is complemented by his top-tier expertise and practice in both international human rights (**Band 1**) and international arbitration (**Band 1**). Can is also one of the world's leading authorities on freedom of expression and the protection of journalists and frequently advises States on these and related issues in his capacity as Deputy Chair of the [High Level Panel of Legal Experts of Media Freedom](#), the independent advisory arm of [Media Freedom Coalition of States](#).

In parallel with his case work and advisory practice, Can teaches public international law courses as a member of the Law Faculties of [Columbia Law School](#), [Georgetown University Law Center](#), and [Koç University Law School](#). In this capacity, Can has been instructed to act as an expert in public international law before domestic courts overseas.

Can also serves on the leadership ([Executive Council](#)) of the American Society of International Law, is a [Fellow](#) of the Lauterpacht Centre for International Law at the University of Cambridge, and is an Officer of the IBA's Investment Arbitration Sub-committee.

Public International Law: Recent Notable Cases and Advisory Matters

- ICSID Case No. ARB/23/36: *Gürüş İnşaat v Kingdom of Saudi Arabia* – Lead counsel for investor in a substantial ICSID claim alleging judicial expropriation and denial of justice.
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- Advisory – Advising a state in relation to the operation, and potential development of, the *Declaration Against Arbitrary Detention in State-to-State Relations* led by Canada and endorsed by 75 UN Member States.
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- ECtHR and BIT claim: *RFE/RL v Russia* – Lead counsel to ECtHR applicant international media outlet Radio Free Europe / Radio Liberty in its challenge to the designation of RFE/RL as a “foreign agent” in the Russian Federation. Case granted [priority status](#) by the ECtHR. Also advising on potential claims under investment treaties. Instructed by Covington (New York and Washington D.C.).
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- Advisory – Advising on matters arising out of UN Resolution L.6/2022 on the “*Furtherance of Remedy and Reparation for Aggression against Ukraine*” and the establishment (and operation) of the Council of Europe Register of Damage for Ukraine.
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- State-Appointed Expert – Appointed in domestic proceedings concerning a challenge to the lawfulness of a State's decision to revoke a visa.

- UNWGAD: *Alaa Abd el-Fattah v Egypt* – Lead counsel to prize-winning UK-Egyptian writer and human rights defender, Alaa Abd el-Fattah, in high-profile petition before the UN Working Group on Arbitrary Detention, challenging Mr. el-Fattah’s continuing detention. Leading Ian McDonald.

- Advisory: In the matter of the State Immunity Act 1978 – Advising on the applicability of the 1978 Act in the context of an action brought against a state-owned corporation for the enforcement of an ICC arbitral award against the State.

- IACtHR: *Palacio Urrutia et al. v Ecuador* – Lead counsel for the High Level Panel in successful landmark application (Serie C. No. 446) challenging criminal defamation statutes as applied to El Universo, one of Ecuador’s most widely circulated newspapers. Submissions on ICCPR. Instructed by Webber Wentzel (Johannesburg).

- ICSID Case No. ARB/21/23: *Imeks v Turkmenistan* – Lead advocate and co-counsel in substantial ICSID claim relating to the alleged expropriation of construction projects. Instructed by WilmerHale (Washington D.C.).

- *In the matter of Maria Ressa* (various) – Acting as International Counsel (with Amal Clooney and Caoilfhionn Gallagher K.C.) to Nobel Peace Laureate and award-winning journalist Maria Ressa in relation to civil and criminal proceedings brought against her for cyberlibel and alleged violations of foreign ownership and tax laws – providing advice on international human rights law and international economic law.

- ECtHR: *Hanan v Germany* [2021] ECHR 131 (GC) – Junior counsel (led by Sam Wordsworth K.C.) before the Grand Chamber of the ECtHR in this significant case confirming the extraterritorial application of the ECHR to military activities outside the territory of the Council of Europe.

- ICSID Case No. ARB/21/20: *Visor Mühendislik and Gökhan Araslı v Turkmenistan* – Lead advocate for foreign investors in relation to a claim relating to several construction projects. Instructed by Mayer Brown (Paris and London).

- Advisory: Diplomatic Immunities – Advising a foreign government (through its embassy) on the scope of diplomatic immunities.

- ECtHR: *Wikipedia v Turkey* – Lead advocate for the Wikimedia Foundation in its successful challenge to the decision to block access to all Wikipedia sites in Türkiye on the basis of purported national security violations. Case granted priority status by the ECtHR. Leading Claire Overman (Doughty Street).

- ICSID Case No. ARB/19/32: *DSG Yapi v Kingdom of Saudi Arabia* – Acted for claimant investor in relation to ICSID claim relating to the alleged expropriation of a large scale construction project. Instructed by Lalive (Geneva).

- ECOWAS Ct: *Amnesty International Togo v Togo* – Lead counsel for international NGOs in landmark (successful) challenge to the decision of the Togolese government to block access to the Internet. Submissions on PIL.

- Advisory – Advising an international technology company on the potential effects of treaty obligations on a state in connection with the legality of new legislation proposed to govern the scope of state surveillance.

- ICSID Case No ARB/16/1: *Al Jazeera v Egypt* – advising international human rights organizations in connection with the ICSID claim brought by Al Jazeera in relation to detention of journalists by the Egyptian authorities, considering the emerging question of the extent to which international human rights obligations are implied into, or relevant to the interpretation of, investor protections.

- ICSID Case No. ARB/18/34: *SECE İnşaat v Turkmenistan* – Lead advocate in substantial ICSID claim brought against Turkmenistan. Leading Anthony Jones, instructed by Quinn Emanuel (London).

Professional Negligence

Can has significant experience of acting in professional liability claims for and against a range of professionals including: valuers, mortgage brokers, surveyors, accountants, actuaries, construction professionals, lawyers – both barristers and solicitors – and insurance brokers in the King’s Bench and Chancery Divisions of the High Court.

Can has a particular expertise in claims arising out of the mis-selling of mortgages, having appeared successfully as counsel in the Administrative Court and Court of Appeal in *Emptage v the Financial Services Compensation Scheme* [2013] EWCA Civ 729. Can has a busy practice in this area advising in claims for compensation to the Financial Ombudsman Service and Financial Services Compensation Scheme and he appears in related applications for judicial review.

For many years, Can served as an editor of [Jackson & Powell on Professional Liability](#) (Sweet & Maxwell).

Professional Negligence: Notable Cases

- Stirling Mortimer [2017] (Commercial Ct) – Defending, led by David Turner K.C., auditors being sued in the Commercial Court by a Guernsey fund in the recovery of €59m. Can was brought in to defend the allegations in civil fraud.
- In the Federal Court of Malaysia [2015] – Acting for and advising an international professional services firm (with Graham Chapman K.C.) in proceedings before Malaysia’s highest court in a landmark appeal concerned with the duty of care owed by auditors to third parties.
- Stanley Gibbons Holdings [2015] (Chancery D) – Instructed with Ben Hubble K.C. for a group of actuaries in a professional liability claim, listed for a 10 day trial, arising out of the requirement to implement equalisation between men and women in an occupational pension scheme.
- FSCS [2014] (Keydata) – Instructed for a number of IFAs in the £75 million claim brought in the Commercial Court by the Financial Services Compensation Scheme.
- In the matter of Toprak [2014] – Instructed as lead counsel for the claimant in a professional negligence claim against a bank relating to the conveyance of a £40m property.

- *Emptage v FSCS (CA)* – Acted, led by Mark Cannon K.C., for the successful applicant in a landmark judicial review of the FSCS’s decision to award compensation pursuant to the compensation scheme established under part XV of the Financial Services and Markets Act 2000, and administered by FSCS [2013] EWCA Civ 729.
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- *Film schemes [2013]* – Instructed as lead counsel for the claimants against a leading accountancy firm in a claim relating to failed film schemes.
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- *Tiaga & ors v RJP LLP [2013]* (Chancery D) – Instructed as sole counsel for an accountancy firm in a claim arising out of tax advice.
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- *Brown & Ors v Innovatorone Plc & Ors*– Acted as junior counsel in [2012] EWHC 1321 in an 18-week trial of a c. £50m claim involving complex tax avoidance schemes and allegations of fraud against individuals and professional advisers, led by John Powell K.C. and Graham Chapman K.C. Can was also instructed in the proceedings before the Court of Appeal which were subsequently compromised between the parties.
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- *Ludsin Overseas Ltd v Eco 3 Capital Ltd and Ors [2012]* EWHC 1980 – Instructed (with Jamie Smith K.C.) to represent Part 20 solicitor Defendants in a 10 day trial in the Chancery Division.



Sports Law

Can has a strong reputation in football-related matters where he advises players, agents and clubs in the context of arbitrations under Rule K of the Rules of the Football Association. Can frequently advises on issues (and acts in disputes) arising out of representation contracts between footballers and their agents.

In addition, Can holds expertise in horse-racing matters. He was instructed with Patrick Lawrence K.C. by the owner of Native Khan, a leading runner in the Epsom Derby, to seek an interim injunction against the 3-times derby-winning jockey, Kieren Fallon, to prevent Mr. Fallon from riding a rival horse, Recital, in the Derby. The injunction was refused by the High Court but granted by the Court of Appeal, following a successful appeal, on the morning of the Derby. The decision of the Court of Appeal (*Araci v Fallon*, [2011] EWCA Civ 668) remains the leading authority on prohibitory injunctions. Can was retained as sole counsel for the subsequent proceedings.