

26 February 2026

**Dana Astra IOOO v Secretary of State for Foreign, Commonwealth and Development Affairs** [2026] EWCA Civ 160

Court of Appeal: Sir Geoffrey Vos (Master of the Rolls); Lord Justice Bean (Vice President, Court of Appeal, Civil Division); Lady Justice Elisabeth Laing

**Important note for media and public: this summary forms no part of the court’s decision. It is provided so as to assist the media and the public to understand what the court decided.**

**The full judgment of the Court of Appeal is the only authoritative document. Judgments are public documents and are available at:**

**[www.judiciary.uk](http://www.judiciary.uk), <https://caselaw.nationalarchives.gov.uk>**

**Press Summary**

1. The Appellant (“DANA”) is a major real estate development and construction company operating in Belarus. In 2020 it was designated by the Foreign Secretary as an entity subject to asset freezing sanctions under 2019 Regulations made under section 1 of the Sanctions and Anti-Money Laundering Act 2018 (“SAMLA”). The asset freeze operates only on any assets DANA may have within the UK. The designation also restrains the provision of funds or economic resources within the UK to DANA. DANA does not at present have assets or a place of business within the UK, but the sanctions effectively prevent it from starting a business here.
2. Designation under the 2019 Regulations depends on the Secretary of State having reasonable grounds to suspect that a person is an “involved person”. In the particular circumstances of DANA’s case, the Secretary of State’s case is that there were reasonable grounds to suspect that DANA: (1) has been involved in the repression of civil society or democratic opposition in Belarus, or other actions, policies or activities which undermine democracy or the rule of law in Belarus, namely as a sponsor of the Belarusian National Olympic Committee; and (2) that DANA has been involved in obtaining a benefit from or supporting the Government of Belarus through carrying on business in a sector of strategic significance to the Government of Belarus, namely the Belarusian construction sector. It is the position of the UK Government, and not disputed by DANA, that the Government of Belarus, under the control of President Alexander Lukashenko, has been responsible for serious human rights abuses as well as electoral malpractice on a systematic basis.
3. DANA brought a claim for judicial review of its designation under s.38 of SAMLA on two grounds. First, it claimed that the designation constituted a disproportionate interference with rights which the company enjoyed under Article 1 Protocol 1 (“A1 P1”) of the European Convention on Human Rights (the Convention) or what it described as equivalent rights protected by the common law; secondly, it alleged it was irrational on conventional public law principles for the Secretary of State to maintain the designation. The case was heard by Mr Justice Saini in the Administrative Court on 28 January 2025. The judge

dismissed the claim for judicial review on 11 February 2025 ([2025] EWHC 289 (Admin)). He held that:

- (1) The Convention did not apply to the Secretary of State's designation of DANA because the company was not within the jurisdiction of the UK for the purposes of the Convention;
  - (2) Even if DANA was within the jurisdiction of the UK for Convention purposes the designation was proportionate and lawful, and was likewise rational on conventional public law principles.
4. On 2 May 2025 DANA obtained permission to appeal to the Court of Appeal on the following grounds:
- (1) The Judge was wrong to hold that where a state that is a contracting party to the Convention implements targeted economic sanctions against an individual this does not (without more) bring the designated individual within that State jurisdiction; and also that where the State implements targeted economic sanctions which interfere with the goodwill in a designated person's business these will not fall within the jurisdiction of the relevant State unless that goodwill is tied to an existing business in the physical territory of the State.
  - (2) The Judge was wrong, assuming that UK jurisdiction was engaged, to conclude that any interference with DANA's rights under A1 P1 was proportionate and lawful. DANA argued, on various grounds, that there was no rational connection between the aims of the 2019 Regulations and the designation (or continued designation) of DANA.
  - (3) The Judge was wrong to conclude that DANA's domestic public law rationality challenge fell to be dismissed for the same reasons as he had provided in respect of the proportionality challenge under the Convention and the Human Rights Act.
5. On 29 July 2025 the UK Supreme Court handed down judgment in two linked appeals (*Shvidler v Secretary of State for Foreign, Commonwealth and Development Affairs and Dalston Properties Ltd v Secretary of State for Transport*) concerning sanctions against individuals or companies connected with Russia following that country's invasion of Ukraine. There was no issue in those cases about whether the Appellants were within the jurisdiction of the UK. However, the Supreme Court's findings on proportionality and rationality were significant and relevant to the present appeal. The Court held (by a majority) in the *Shvidler* case that although the sanctions against Mr Shvidler were severe, open-ended and drastic, they were proportionate and lawful. The Court rejected the argument that it was arbitrary to designate one business person or company but not others in an analogous situation, or (in the *Dalston Properties* case) that there was no rational

connection between the designation of the appellant company, resulting in the detention of a yacht, and the aim of the sanctions regime of putting pressure on Russia.

#### The decision in the present appeal

6. The Court unanimously dismissed DANA's appeal on all grounds.
7. On the jurisdiction issue, the court held that since DANA was a Belarus company with no place of business or assets within the UK, it was not within the jurisdiction of the UK so as to engage the Convention. The possibility that it might in the future start a business in the UK did not mean that it had goodwill or other types of assets within the UK which would bring it within UK jurisdiction for the purposes of ECHR Article 1. It was clear from established case law of the Grand Chamber of the European Court of Human Rights that jurisdiction under the Convention is primarily territorial; that extra-territorial jurisdiction is exceptional, the exceptions being narrowly defined; and that Article 1 of the Convention requires the relevant State to have control over the person himself or herself (or itself) rather than the person's interests as such. That requirement was not met in the present case.
8. On proportionality, in so far as that was applicable, the court found that the judge was plainly right to hold that there was a rational connection between the designation of DANA and the objectives of the UK sanctions against Belarus (namely to exert pressure on the Belarus Government to respect democratic principles and the rule of law, to refrain from actions which repress civil society and to comply with international human rights law and respect human rights). The decision of the Supreme Court in the *Shvidler and Dalston Properties* cases makes it clear that it is not necessary to demonstrate that the application of sanctions to a particular individual will in itself achieve a change of policy by the Belarus regime. The judge was entitled to hold that the fact that according to the Appellant company it was now being treated badly by the Lukashenko regime was irrelevant.
9. The judge was also right to hold that the rationality argument added nothing to the proportionality argument on the facts of this case.
10. The appeal was accordingly dismissed.