

**DR. SALLY EL SAWAH**  
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International Lawyer and Arbitrator  
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Egyptian and French national

## **PROFILE**

Dr. Sally El Sawah is an experienced international arbitrator and a leading dispute resolution lawyer. She is Egyptian and French qualified and Registered European Lawyer with the SRA in England & Wales, acting as Arbitrator, Counsel, Consultant and Legal Expert.

As International lawyer and Arbitrator, Dr. El Sawah has been involved in a number of high-profile cases and projects in Egypt and the “Europe, Middle East and Africa” region (EMEA). She has gained a wealth of experience during a career spanning over thirteen years in Paris, London and Cairo, both in reputable law firms and as an independent practitioner, particularly in practice areas such as foreign investment, construction, energy and infrastructure, industrial transfers, oil and gas, corporate, joint-ventures, agency and distribution, commodities, international sale, hotel industry, pharmaceuticals, State contracts and telecommunications.

She regularly advises and appears as Counsel before French and Egyptian Courts, in projects and cases involving States, State Entities, State-owned companies, major multinational companies in the Middle East, Europe, Africa and Asia.

She works with the best practitioners in the EMEA region, offering her Clients a full range of legal services from the inception of their projects to the resolution of disputes arising from their transactions. Her extensive experience in dispute resolution is an unparalleled opportunity to advise her Clients on their investment structuring, including strategic nationality planning, so that they can mitigate investment risk and benefit from the broadest substantive and procedural protections and tax incentives under Bilateral and Multilateral Investments Treaties and local legislations.

Fluent in Arabic and having broad knowledge and experience in Egyptian law, she can easily navigate between the different laws of Arab countries, as Egyptian Law is the primary source for legislations in the Middle East. Working between Cairo, Paris and London, Dr. El Sawah has an outstanding knowledge of these different legal, business, social and cultural environments, thus providing the best client-oriented service required.

Dr. El Sawah is also a leading authority on State and International Organisations Immunities and her book on the subject, “*Immunités des Etats et des organisations internationales – Immunités et procès équitable*”, Larcier, Brussels, 2012, is “The Reference” for all specialists on this matter.

## **EDUCATION**

### **UNIVERSITY OF PANTHÉON-SORBONNE (PARIS, FRANCE)**

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| 2009 | Ph.D. with Honours in International Law<br><i>Thesis: State and International Organisations Immunities and the Right to a Fair Trial (in French)</i> |
| 2002 | DEA (LLM) in Private International Law and International Business Law  |
| 2001 | Bachelor of Law in International Business Law  |

CAIRO UNIVERSITY (CAIRO, EGYPT)

2001 Bachelor of Law

CAREER

- Mar. 20 – present El Sawah Law, Paris, Cairo & London  
*Founding Partner*
- May 19 – Mar. 20 Youssef & Partners Attorneys, Cairo  
*Partner*
- Mar. 16 – May 19 Dr. Sally El Sawah, Paris, Cairo & London  
*Independent Lawyer and Arbitrator*
- Nov. 14 – May 15 Herbert Smith Freehills, London  
*Consultant, Banking Litigation Group*
- Nov. 06 – Apr. 14 Leboulanger & Associés, Paris  
*Senior Counsel*
- 2002 – 2005 Internships and legal training in EDF, reputable law firms and arbitral institutions in Cairo (CRCICA) and Paris (Secretariat of the International Court of Arbitration of the ICC)

SPECIALIST EXPERIENCE

**ARBITRATION**

Counsel, Presiding arbitrator, Co-arbitrator and Legal Expert in numerous *ad hoc* and institutional arbitration cases (UNCITRAL, ICC, CRCICA, ICSID, LCIA, CCJA, FOSFA, IWTO and RSA, etc.), involving States, State Entities, State-owned companies, major multinational companies in the Middle East, Europe, Africa and Asia.

CASES (SELECTED)

- CRCICA Case between Egyptian petroleum companies in relation to a Farm-in agreement governed by *Egyptian law* (in English)
- CRCICA Case between an Egyptian and a Greek company in relation to multi-contracts of sale of goods governed by the *CISG* (in English)
- CRCICA Case between an Egyptian consulting company and an Italian company in relation to the attribution of a procurement contract by an African State governed by *Egyptian Law* (in English)
- CRCICA Case between leading Egyptian agri-food Companies in relation to a debt rescheduling agreement governed by *Egyptian Law* (in Arabic)
- CRCICA Case between a Middle Eastern State and a Dutch company in relation to a dredging agreement governed by *Egyptian Law* (in English)
- ICC Case between a North African State-owned company, a Portuguese bank and a Swiss bank in relation to the creation of a Joint Venture governed by *Algerian Law* (in French)
- ICC Case between a leading Saudi multinational food group and a French Contractor in relation to the transnational industrial transfer of a refinery for the purpose of re-erection (in English)
- ICC Case between an Asian State and a leading German engineering company in relation to the construction of an airport (in English)

- ICC Case between a leading French company and a leading Franco-German group in relation to the fabrication and sale of missiles (in French)
- ICC Case between a Guinean-English company, an African State and a State entity in relation to the construction of a highway (in English)
- ICSID Case between two Spanish Companies and the Arab Republic of Egypt in relation to the operation of a cement factory in Egypt (in English)
- ICSID Case between a German multi-utility company and the State of Algeria in relation to the water privatisation and sanitation systems in Algeria (in French)
- ICSID Case between a French-Guinean Joint Venture and the State of Guinea in relation to the construction of a factory for the production and distribution of drinks (in French)
- *Ad hoc* arbitration (UNCITRAL) between a leading German engineering and electronics company and an Egyptian company in relation to a service agreement (in English)
- DIFC-LCIA Case between an Emirati Contractor and an Islamic Fund in relation to the construction and operation of an International school (in English)
- CCJA Case between an African State and a British Virgin Islands company in relation to a procurement contract (in French)

#### ADVISORY ROLE (SELECTED)

- LCIA Case between an African State and a Dutch company in relation to the construction of a compound (in English)
- ICC Case between an American petroleum group and a Latin American State in relation to a possible enforcement of the award before French Courts with regard to the jurisdiction and the scope of mission of the Arbitral Tribunal (in English)
- ICSID Case between a Chinese investor and a Middle Eastern State in relation to a project for the renovation of municipalities (in Arabic and English)
- *Ad hoc* arbitration (UNCITRAL) between a Saudi Investor and a Middle Eastern State in relation to a Production Sharing Agreement of an Oil Field (in Arabic and English)
- ICSID Cases involving an Asian State regarding a possible attachment of the State's assets in France pursuant to possible provisional decisions or partial awards against the State (in English)
- Litigation before an English Court between an Egyptian telecommunication company, an African State, an African State-owned company and two European banks in relation to the consequences of an ICC Clause on the State Immunity from Execution (in English)

#### **LITIGATION**

##### CASES (SELECTED)

- Judicial Execution proceedings between Italian nationals, a Middle Eastern State, a National bank and an Embassy in relation to the enforcement of an ICSID arbitral award (attachment of bank reserves and the Embassy's assets; State Immunity)
- Three Judicial Execution proceedings between an Asian State, Asian State-owned companies, a British Virgin Islands Financing Fund and a French bank in relation to the enforcement of an ICC arbitral award (attachments of shares, an aircraft, social taxes and air transportation taxes and fees; State Immunity)
- Enforcement of a CRCICA arbitral award between a Middle Eastern petroleum corporation and an Egyptian gas company in relation to the distribution of natural gas
- Annulment of an ICC arbitral award between Saudi and Lebanese nationals in relation to the distribution of shares and assets in Saudi Arabia, Lebanon and Switzerland pursuant to a succession and a division of a property agreement
- Annulment of two ICC arbitral awards between Turkish companies in relation to the construction of a pipeline

#### ADVISORY ROLE (SELECTED)

- Litigation between a North African Sovereign Fund and a French bank before the High Court of Justice in relation to investment trades of more than USD 3 Billion
- Litigation between a Saudi Group and a Canadian petroleum group in relation to a consultancy agreement
- Litigation between a Yemeni Group and a Canadian petroleum group in relation to the supply of drilling equipment for the development of an oil field
- Litigation between a Yemeni Group and a Middle Eastern State in relation to the supply of heavy-duty equipment for renovation operations

#### LANGUAGES

**Arabic:** native; **English:** fluent; **French:** native; **Norwegian:** elementary proficiency

#### PUBLICATIONS, CONFERENCES AND SEMINARS (SELECTED)

##### **PUBLICATIONS**

##### BOOK

“*State and International Organisations Immunities – Immunities and the Right to a Fair Trial*” (in French): “*Immunités des Etats et des organisations internationales – Immunités et procès équitable*”, Larcier, Brussels, 2012

##### ARTICLES AND NOTES

- “Note on the French Cour de cassation’s decision of 28 February 2012 on the State Immunity from Jurisdiction” (in French), *Journal du Droit International*, 2012/4, p. 1394
- “Egyptian Arbitration Case Law Review” (in French), *Revue de l’arbitrage*, 2013/1, p. 191 (with Dalia Hussein and Ismaïl Selim)
- “Note on the 13 January 2011 French Decree on Arbitration” (in English), *Journal of Arab Arbitration*, 2013/1, p. 3 (with Ahmed Habib)
- “Note on the International Tribunal for the Law of the Sea’s decision of 15 December 2012, *The Ara Libertad Case*” (in French), *Journal du Droit International*, 2013/3, p. 857 (with Jorge E. Viñuales)
- “Note on the French Cour de cassation’s decision of 13 May 2015 on the Waiver of State Immunity from Execution” (in French), *Journal du Droit International*, 2016/1, p. 141 (with Philippe Leboulanger)
- Book Review: D. Simon (ed.), *Le droit international des immunités. Constantes et ruptures*, Pédone, 2015, 292 pages, (in French), *Journal du Droit International*, 2017/1, p. 385
- Chapter on “Jurisdictional Immunity of States – non-commercial tort”, (in English), in T. Ruys & N. Angelet (eds.), *Cambridge Handbook on Immunities and International Law*, CUP, 2019, p. 142
- Chapter on “State Immunity from Execution in France: The Shield of Sapin II” (in English), *Journal of Arab Arbitration*, Forthcoming (2020)
- “Note on CRCICA Award No. 1038/2015 on “Termination of Contracts Clauses Under Egyptian Law”, (in Arabic), *World Journal of Arbitration*, Forthcoming (2020)
- “Note on the Paris JEX Judgment of 29 June 2020 on the State Immunity from Execution and Seizure of State Aircrafts” (in French), *Journal du Droit International*, Forthcoming (2020)

## CONFERENCES AND SEMINARS

- “Enforcement of Arbitral Awards in Egypt” (in French), Conference organised by the **Centre de Médiation et d’Arbitrage de la Chambre de Commerce Franco-Arabe** on the topic: “L’exécution des sentences arbitrales dans le monde arabe”, June 2012, *Newsletter CCFA*, No. 63-64
- “Mediation and Transitions in Arab Countries” (in French), Conference organised by the **Centre de Médiation et d’Arbitrage de la Chambre de Commerce Franco-Arabe** on the topic: “La médiation internationale: Pratiques en France et dans les pays arabes”, June 2013, *Newsletter CCFA*, No. 76, 77
- **ICC PIDA Training on International Commercial Arbitration** (Agadir, Morocco), *Invited Lecturer* (in Arabic and French), October 2013
- **ICC Conference on “Arbitration and State Parties”** (Tunis, Tunisia), *Invited Lecturer* (in Arabic and French) on the topic: “Immunité d’exécution des Etats et classification de leurs biens”, May 2015
- **ICC YAF Conference on “The Role of the ICC Court in Governing Procedural Transparency”** (Cairo, Egypt), *Speaker*, (in English), November 2017
- **KIAC-SOAS Conference on Arbitration in Africa on “The Role of Arbitration Practitioners in the Development of Arbitration in Africa”** (Kigali, Rwanda), *Speaker*, (in English), May 2018
- **ALN Academy, Anjarwalla & Khanna, JMiles & Co Interactive Workshop on “Emerging Issues in Africa’s Evolving Arbitration Scene”**, (Nairobi, Kenya), *Moderator*, on the topic: “Investment Treaty Arbitration: Trends in the Right to Regulate” (in English), July 2018
- **Kuwaiti Bar Association Training Workshop on “Arbitration Law and Practice in England & Wales”** (London, United Kingdom), in collaboration with Drystone Chambers, Stewarts Law and Eversheds Sutherland, *Lecturer* (in Arabic and English), 16-18 October 2018
- **CIArb, Nigeria Branch Conference on “Arbitration & ADR in Africa: Challenges, Gains and Lessons for the Future”**, (Abuja, Nigeria), *Speaker*, on the topic: “Arbitration in Africa: Hot Topics, Evolving Issues, Practices Solutions” (in English), 24-25 October 2018
- **CRCICA Conference on International Arbitration**, (Sharm El Sheikh, Egypt), *Speaker*, on the topic: “State Immunity from Execution in France: The Shield of Sapin II” (in English), 9-10 December 2018
- **University of London, SOAS Seminar**, (London, United Kingdom), *Lecturer*, on the topic: “Investment Protection and the Host State’s Right to Regulate (in English), 31 January 2019
- **NCIA 2<sup>nd</sup> International Arbitration Conference**, (Mombasa, Kenya), *Speaker*, on “Beyond the resource curse narrative: Arbitration & ADR in extractive disputes, Expectations for the future” (in English), 4-6 March 2020
- **SOAS-GMAC Conference on Arbitration in Africa**, (Douala, Cameroon), *Speaker*, on “The admissibility of evidence in international arbitration and cultural differences” (in French), 10-13 March 2020
- **Legal Doctrine Algeria Webinar**, *Speaker*, on “Guerrilla tactics and admissibility of evidence in international arbitration” (in French), 12 May 2020
- **GIZ (German Cooperation) Virtual Conference**, *Speaker*, on “Why the promotion of Rule of Law is so important for social cohesion in the MENA region” (in English), November 2020
- **First GAR Virtual Conference on Arbitration in Africa**, *Speaker*, December 2020
- **AfAA 2<sup>nd</sup> Annual International Arbitration Conference**, (Accra, Ghana), *Speaker*, on “Protecting human rights through arbitration: The Hague Rules on business and human rights arbitration” (in English), April 2021