



محكمة قطر الدولية
ومركز تسوية المنازعات
QATAR INTERNATIONAL COURT
AND DISPUTE RESOLUTION CENTRE

In the name of His Highness Sheikh Tamim bin Hamad al Thani,
Emir of the State of Qatar

Neutral Citation: [2022] QIC (F) 1

IN THE QATAR INTERNATIONAL COURT

FIRST INSTANCE CIRCUIT

16 January 2022

Case Nos. 6 and 7 of 2018

(1) MS ILEANA MERCEDES D'LACOSTE AGUDELO

(2) MS ENILUZ JHOANA GONZALEZ APONTE

Claimants

and

(1) HORIZON CRESCENT WEALTH LLC

(2) PATRICK BAERISWYL

(3) JEAN MARC MANTEGANI

Defendants

and

QATAR FINANCIAL CENTRE REGULATORY AUTHORITY

Interested Party

JUDGMENT

(Concerning a request for a stay of proceedings)

Members of the Court:

Justice Frances Kirkham

Justice William Blair

Justice Rashid Al Anezi

JUDGMENT

1. By letter dated 17 November 2021 the Claimants applied for an indefinite stay of these proceedings. The Defendant has made no response, and has effectively ceased to participate in the proceedings. The Qatar Financial Centre Regulatory Authority (QFCRA), which is an Additional Party in its capacity as regulator to the proceedings, objects to a stay on various grounds that need not be set out at this stage.
2. The Court heard most helpful submissions from Mr Simon Hattan of Counsel, for the Claimants, and Mr Ben Jaffey QC, on behalf of the QFCRA, at a hearing on 21 December 2021.
3. In their application the Claimants say that they have become aware that the Qatar Department against Economic Crimes and Money Laundering (QDECML) is currently pursuing a separate criminal investigation against them and others. It is said that the Claimants had previously been unaware of any such criminal investigation.
4. On its part, the QFCRA has recently discovered that there are legal proceedings taking place in British Columbia, Canada. It appears that those proceedings involve many of the same companies and individuals as appear in this claim, and the Claimants' husbands. It is said that these significantly impact the present proceedings.
5. The Claimants seek an indefinite stay on the ground that any criminal investigation should be concluded before the trial of these proceedings. The Claimants' principal submissions are that they would be at real risk of prejudice if required to give disclosure or provide witness evidence in these proceedings before any criminal investigation is concluded. It would be unfair to require the Claimants to give disclosure or provide witness evidence in these proceedings when there is a risk that doing so could result in their providing information which led to criminal charges. They should be protected from what would, in effect, be criminal self-incrimination.
6. It was said during the hearing that the Claimants wish to be able to take legal advice so as to understand the nature of the criminal investigation and as to their position under the laws of the State of Qatar. In response to a question from the Court, Mr Hattan on

behalf of the Claimants said (without having been able to take instructions on the point) that the Claimants would need about three months in which to seek advice.

7. The Court has some scepticism as to when the Claimants found out about the investigation, but need reach no conclusions at present. The QFCRA's position is that a stay is only required when criminal proceedings are actually commenced against the subject concerned which has not happened or happened yet.
8. The Court also questioned the QFCRA as to what its proposal was as regards a trial, given that it is a party joined in its capacity as a regulator. Counsel indicated that the QFCRA would set out in writing its final position as regards its participation in a trial. Counsel did however indicate on its behalf that it would anticipate participating fully, giving disclosure, making submissions, cross examining if there was oral evidence, and assisting the Court through counsel.
9. As noted, the QFCRA resists the application on a number of grounds, which need not be set out here, and there seems no prospect of the Defendant participating further in the proceedings.
10. Prima facie, this is the Claimants' claim and it is a matter for the Claimants whether or not they wish to pursue it. Whilst the Court sees that there may be public policy arguments as advanced by the QFCRA as to why this matter should be brought to trial, regardless of the Claimants' wishes, the Court does not express a view at this stage. It is however concerned that, given the limited information currently available, and the obvious considerable extension in the issues before the Court, it will be difficult to issue directions as to the scope and likely duration of a trial of the issues in this case at the present time without a much better understanding of what may be involved. The present directions do not suffice. In any event, the Court concludes that fairness requires that the Claimants be permitted time in which to take legal advice. The funds at issue in these proceedings are frozen, and the public interest is thereby protected. A stay for a limited period will not prejudice the position in any way.

11. The Court therefore directs that these proceedings be stayed until 31 March 2022. The Court will shortly communicate with the Parties as regards a convenient date for a further hearing (preferably in April 2022) at which it will consider further whether and if so how this case should proceed.

By the Court,

[signed]

Justice Frances Kirkham



A signed copy of this judgment has been filed with the Registry

Representation:

The Claimants were represented by Mr Simon Hattan, Serle Court, London, UK.

The Defendants did not attend and were not represented.

The Interested Party was represented by Mr. Ben Jaffey QC, Blackstone Chambers, London, UK.