

Kuwaiti Investment Organization

Case ID:

ARW-105

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Kuwait

Position of Public Official(s) (yrs in office):

Kuwaiti Investment Organization Management (inclusive 1989-1992)

Jurisdiction of Asset Recovery:

Jersey

Jurisdiction of Asset Recovery ? Description:

Location of Recovery Effort, Asset Location / Alleged Asset Location

Asset Recovery Start:

1999

Asset Recovery End:

Unknown

UNCAC Offenses Implicated:

Art.17

Art.23

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Actions Initiated by Foreign Jurisdiction

Intl.Cooperation: MLAT/Letter of Request?:

No

Basis for Intl Cooperation:

N/A

Contributing Factors in Asset Recovery:

"The following items were critical to the success of asset recovery in the Kuwaiti case. -The establishment of a dedicated and competent National Team was critical to the success of the initiative. - Political will was secured to ensure the success of asset recovery. - The elimination of pressures helped to achieve breakthrough successes for stolen assets recovery efforts. - Processes were initiated against individuals, rather than institutions, resulting in less resistance and fewer legal battles. - Private law actions, for several reasons, were a well-established route for asset recovery." (Source: Dr. Mohammad A.A. Al Moqatei, "Stolen Asset Recovery: A Case from Kuwait," in Stolen Asset Recovery: A Good Practices Guide for Non-Conviction Based Asset Forfeiture (Stolen Asset Recovery Initiative, 2009).

Status of Asset Recovery :

Completed

Assets Returned (USD) - Description:

Please see United Kingdom entry for worldwide total assets returned amount

Agreement for Returned Assets:

No

Agreement for Returned Assets - Description:

N/A

Case Summary:

The National Team established by the Kuwaiti Investment Organization sought to enforce the United Kingdom judgment in the Isle of Jersey where its former Sheikh Fahad held assets. The Jersey courts stated in the cases of *In the Matter of the Esteem Settlement and the No. 52 Trust (Abacus (C.I.) Limited as Trustee) and Grupo Torras S.A. v. Al Sabah and six others* [2002] JLR 53 that between May 1988 and October 1990, Sheikh Fahad conspired with others to defraud Grupo Torras of a total sum of approximately \$430 million, of which \$120 million was paid to Sheikh Fahad. The court held that (a) Grupo Torras has a proprietary interest of 4.75% of 97 Dulwich Village and 4.27% of 242 Turney Road. Grupo Torras is entitled to an order which enables these interests to be realized. (b) The gift of Ceyla to the Esteem Settlement is to be set aside. Ceyla is entitled to recover the amount owed to it by the Esteem Settlement. (c) The gift of GBP 4 million to the No. 52 Trust is to be set aside. Grupo Torras is entitled to recover the net assets of the No. 52 Trust. (d) The gifts of GBP 1,693,500 and GBP 3,514,339 to the Esteem Settlement are to be set aside to the extent of 9.975% of the current value of 97 Dulwich Village.

Disposition of Criminal Case(s):

Unspecified

Jurisdiction of Origin: Investigative Agency:

National Team established by the Kuwaiti Investment Organization

Jurisdiction of Origin: Prosecuting Authority/Civil Attorney(s):

National Team established by the Kuwaiti Investment Organization; Kuwaiti Public Prosecutor

Jurisdiction of Origin: Courts Involved:

Unspecified

Jurisdiction of Asset Recovery: Investigative Agency:

National Team established by the Kuwaiti Investment Organization

Jurisdiction of Asset Recovery: Prosecuting Authority/Civil Attorney(s):

National Team established by the Kuwaiti Investment Organization

Documents:

KIO_StAR_Case_Study_NCBF_Guide.pdf

KIO_Jersey_Esteem_Settlement_2002_JLR_53.pdf

KIO_Jersey_Esteem_Settlement_2003_JLR_188.pdf

KIO_Jersey_Grupo_Torras_2000_UKPC_38.pdf

KIO_StAR_Case_Study_NCBF_Guide.pdf

Documents Links:

http://www1.worldbank.org/finance/star_site/documents/arw/KIO_StAR_Case_...

http://www1.worldbank.org/finance/star_site/documents/arw/KIO_Jersey_Est...

http://www1.worldbank.org/finance/star_site/documents/arw/KIO_Jersey_Est...

http://www1.worldbank.org/finance/star_site/documents/arw/KIO_Jersey_Gru...

http://www1.worldbank.org/finance/star_site/documents/arw/KIO_StAR_Case_...

Other Sources:

In the Matter of the Esteem Settlement and the No. 52 Trust (Abacus (C.I.) Limited as Trustee), Grupo Torras S.A. v. Al Sabah and Six Others, 2002 JLR 53; *In the Matter of the Esteem Settlement (Abacus (C.I.) Limited as Trustees), Grupo Torras S.A. and Culmer v. Al Sabah and Four Others*, 2003 JLR 188; *Al-Sabah and Another v. Grupo Torras S.A. and Others (Jersey)* [2000] UKPC 38 (10th October, 2000) (denial of interlocutory appeal). Jersey court decisions accessed at, <http://www.jerseylaw.je/Judgments/JerseyLawReports>. See also, Dr. Mohammad A.A. Al Moqatei, "Stolen Asset Recovery: A Case from Kuwait," in *Stolen Asset Recovery: A Good Practices Guide for Non-Conviction Based Asset Forfeiture* (Stolen

Asset Recovery Initiative, 2009), accessed at
[http://www1.worldbank.org/publicsector/star_site/publications/non_convic....](http://www1.worldbank.org/publicsector/star_site/publications/non_convic...)