IN THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

MIRIFA

Claimant

and

(1) MAHUR
(2) MEISON
(3) MEPUR

Defendants

REASONS OF H.E. JUSTICE SHAMLAN AL SAWALEHI FOR THE ORDER DATED 2 JULY

Introduction

1. These are my reasons for the Order dated 2 July 2025 (the "Order"), made following the hearing held on 26 June 2025 of the Claimant's Application No. ARB-009-2023/12 dated 7 March 2025 (the "March 2025 Application").

2. The March 2025 Application arises in the context of long-running enforcement proceedings brought by the Claimant to recover amounts exceeding USD 1.6 billion under an ICC Award dated 20 March 2023. The Claimant submits that, despite repeated orders of this Court, the Third Defendant, Mr Mepur, has failed to give full and frank disclosure of his assets.

3. The relief sought was fourfold:

(a) An order for the cross-examination of the Third Defendant pursuant to RDC 50 and/or RDC 29.58;

(b) Permission to serve the cross-examination order and related documents by alternative means;

(c) A variation of the existing disclosure regime under the Worldwide Freezing Order dated 12 May 2023 ("WFO") and the Specific Disclosure Order dated 9 August 2024; and

(d) Production of the documents listed in Schedule 1 to the 2 July Order

Background

4. The background to these proceedings is extensively set out in the parties' submissions as well as previous orders, and I do not repeat it here. It is sufficient to note that this Court has already granted: (i) a Worldwide Freezing Order on 12 May 2023; and (ii) a Specific Disclosure Order on 9 August 2024.

5. I am satisfied, on the record before me, that there remain significant deficiencies in disclosure which require further judicial intervention.

Claimant's Submissions

6. The Claimant relies on two witness statements, Onfre 5 and Onfre 6, to demonstrate patterns of concealment and undervaluation. It submits that asset disclosure remains materially incomplete, notwithstanding repeated orders of this Court.

7. In particular, the Claimant highlights the following assets:

Orson - said to be valued far above the figures disclosed. The Claimant relies on public sources linking the Defendant to ownership and control, which it says have been understated in the affidavits.

Odelia - alleged never to have been disclosed, despite appearing in documents exhibited to Mepur 2 and 3.

Oaklee - alleged undervaluation, with undisclosed links to Olumji and Ondreea. The Claimant refers to investment board papers that suggest a significantly higher valuation than that admitted.

Olushegun - said to be understated, in light of the Olynda, a USD 550 million development located on Madinat-owned land, which is inconsistent with claimed valuations of USD 19-20 million.

Ondrea - the Claimant submits that public material demonstrates active solar and fuel operations, inconsistent with the Defendant's claim that his interest is negligible.

Ombretta and banking accounts - the Claimant relies on historic banking records showing inflows and outflows of hundreds of millions of dollars, irreconcilable with declared assets of only USD 80 million.

8. The Claimant places particular weight on the shifting explanations given for the Ombretta account, first suggesting it had been overlooked by advisers, later claiming he believed it was closed. It argues that these inconsistent explanations directly undermine the Defendant's credibility.

9. The Claimant submits that cross-examination is now the only effective mechanism to test the veracity of the affidavits, to resolve contradictions, and to identify assets for enforcement.

10. It further argues that all lesser measures have been exhausted: correspondence, repeated affidavits, and two disclosure orders have failed to produce reliable information.

11. In addition, the Claimant seeks an order for production of the documents listed in Annex 1 to Onfre 5, which include company accounts, bank records, and Ombretta portfolio documents. These are said to be essential for tracing assets and preventing further dissipation.

12. The Claimant also seeks a regime of continuing disclosure, with quarterly affidavits and monthly updates, arguing that this is proportionate given the size of the Award and the ongoing movement of assets.

13. As to service, the Claimant requests leave to serve orders and notices by email on the Defendant and his solicitors, citing prior evasions of personal service and earlier Court orders granting alternative service.

14. Finally, the Claimant submits that the orders sought are proportionate, given the USD 1.6 billion Award, the Defendant's persistent non-compliance, and the international reach of his assets.

Third Defendant's Submissions

15. The Third Defendant resists the Application. He maintains that he has substantially complied with his obligations under the WFO and Specific Disclosure Order.

16. He argues that his disclosed assets, valued at approximately USD 80 million, reflect his actual wealth. He submits that the Claimant's criticisms are based on speculative sources, which should carry little weight.

17. He further contends that the Claimant has failed to pursue available enforcement routes in Iraq, where he says the majority of his assets are located, and that the present Application is brought not to advance enforcement but to exert pressure.

18. As to specific allegations of concealment, he denies deliberate non-disclosure. He maintains that the Ombretta account is either negligible or not properly his; that Ondrea is of minimal value; and that Olushegun and Oaklee are misunderstood by the Claimant.

19. He also points to practical challenges in retrieving documents from third parties and the absence of centralised records for his business affairs.

20. Finally, he submits that the relief sought is disproportionate. He says that cross-examination risks duplication and unnecessary burden. He therefore asks the Court to dismiss the Application.

Cross-Examination

21. The power to order cross-examination is well established under RDC Part 50 and 29.58. It is available as a case management tool in aid of enforcement.

22. I have carefully considered whether other measures could achieve compliance. Over more than a year, this Court has issued multiple disclosure orders, accompanied by penal notices. These have not produced reliable disclosure.

23. The Defendant has repeatedly failed to explain discrepancies between successive affidavits, including:

(a) omission of known bank accounts;

(b) inconsistent narratives regarding the Ombretta Switzerland account; and

(c) contradictory accounts of ownership and control of key corporate vehicles.

24. In Onfre 6, the Claimant highlights the Defendant's confusion between two alleged nominees, Mr Otto and Mr Owen, in relation to material transactions. This confusion goes directly to credibility on the issue of asset ownership and control

25. Onfre 6 also records the Defendant's own evidence that he relies on unnamed employees or associates to assist with his business and financial affairs (as stated in Onfre 6). That reliance makes it necessary to explore, through cross-examination, the identity of those custodians and their knowledge of asset documentation

26. These matters are not peripheral. They are central to whether the Court can ensure the effectiveness of its own orders and the enforceability of the Award.

27. I am satisfied that the Claimant has demonstrated a proper basis for cross-examination. The relief is proportionate, targeted, and subject to judicial control during questioning.

28. I have considered the Defendant's objections. I recognise that the risk of self-incrimination is mitigated by the Defendant's entitlement to decline answers on proper legal advice. The risk of duplication is minimal, as the questions will be confined to specified topics.

29. For the avoidance of doubt, nothing in these reasons determines any ultimate question of ownership, beneficial entitlement, or valuation of the assets identified. The present orders are supervisory and directed solely to securing compliance with subsisting disclosure obligations and the

effective enforcement of the Award.

30. The evidence establishes persistent non-compliance. The relief sought is directed to ensuring compliance with existing obligations, not to punish the Defendant.

Alternative Service

31. The Claimant seeks to serve by email on the Defendant and his solicitors.

32. I am satisfied that the Defendant has previously sought to evade personal service, and that email service is the method most likely to bring the proceedings to his attention.

33. The proposed email addresses have been used throughout these proceedings, and the Defendant's legal team has acknowledged receipt of documents sent to them.

34. I therefore grant the Application under RDC 9.31.

Continued Asset Disclosure

35. The Claimant seeks a regime of quarterly affidavits and monthly updates concerning assets exceeding USD 50,000.

36. I am satisfied that such a regime is necessary and proportionate. The WFO and Specific Disclosure Order have not produced reliable disclosure. Without periodic updates, the WFO risks becoming ineffective, undermining enforcement.

37. The sums at stake, the international dimension of the Defendant's assets, and his history of non-compliance all justify continuing supervision by the Court.

38. The Claimant also requested that cross-examination be conducted before myself, on the basis of judicial continuity. I accept that continuity is desirable in a case of this complexity.

Document Production

39. The Claimant seeks production of the Schedule 1 documents, which include bank statements, company accounts, and Ombretta portfolio records.

40. I am satisfied that these documents fall within the scope of enforcement-related disclosure. They are necessary to identify, locate, and recover assets.

41. Compliance will involve some effort, but the categories are closely tied to assets already identified or reasonably suspected.

42. They are limited to documents within the Defendant's possession or control, including those obtainable by instruction to third parties.

43. In light of the USD 1.6 billion Award, the international asset base, and the prolonged failure of disclosure, I am satisfied that production is proportionate and necessary.

Conclusion

44. For these reasons, the Court grants the relief sought in this Application.

45. The orders are proportionate, necessary, and consistent with the overriding objective of ensuring that judgments of this Court are respected and enforced.

Issued by:
Delvin Sumo
Assistant Registrar
Date of Issue: 21 August 2025
At: 3pm