

Middle East *Civil Law* *Litigation* Brochure

Charles Russell Speechlys LLP

Introduction

Our *award-winning civil law dispute resolution practice* in the Middle East offers clients a market-leading combination of local, regional and international litigation expertise from our offices in Dubai, Bahrain and Qatar.

Our civil law disputes team represents clients in litigation before the regions' civil law courts, including in all Emirates of the United Arab Emirates, Bahrain, Qatar, Lebanon, the Kingdom of Saudi Arabia and Kuwait. We are one of few international law firms with in-house civil law litigation capabilities in the Middle East.

We act for governments, regulatory bodies, multi-national corporations, regional companies, and high net worth families and individuals resolving complex, high-value disputes across a wide range of specialisms.

Our experience stretches the full gamut of contentious commercial and civil disputes. We are particularly known for our work in strictly regulated matters. These include financial services, banking, aviation, transport, telecommunications, construction, real estate, professional negligence, employment, retail, media and security enforcement.

Our team are also experts in the enforcement of judgments (local and foreign) and recovering assets through both local court processes and, where necessary, the region's offshore jurisdictions.

Given the complexities of the legal systems in the region we are often required to act for clients in multiple jurisdictions. In this regard our clients benefit from specialist end-to-end service. Our leading in-house Arabic team collaborate with our award-winning common law team to conduct litigation in both the onshore civil courts and off shore common law courts to get the results required. Details of our common law expertise are set out in our *DIFC and ADGM Litigation brochure*.

With international qualified lawyers, barristers and an in-house Arabic team with over two decades of experience in the region, we are confident in our ability to deliver the highest quality advice and representation to our clients from inception to execution of their matter.



Civil Litigation in the *Region*

Our lawyers are *specialists* in their understanding and experience of the civil law system of the Gulf region.

For over a decade we have developed our presence and expertise in the Middle East to ensure that we are able to service our clients' needs wherever they may be situated, and whichever law and jurisdiction applies to their matter.

Our key regional offices in the UAE, Bahrain and Qatar demonstrate this strategic approach, each having adopted civil-law systems which incorporate elements of Egyptian and French civil law, as well as the principles of Islamic Shari'a. Our demonstrable understanding and ability to advise across these areas of law makes us a firm favourite for clients involved in disputes in the Middle East, where these legal foundations permeate most jurisdictions.

The UAE is a Federation of seven Emirates, each with its own legislative body and judicial authority. The country is governed according to its Constitution and at its core is a civil law regime. In addition to the seven emirates, the UAE Constitution permits the establishment of "Free Zones" and "Financial Free Zones" (the latter being exempt from all Federal civil and commercial laws). The UAE has established two Financial Free Zones: the Abu Dhabi Global Market (ADGM) and the Dubai International Financial Centre (DIFC), which are both subject to a common law regime. Details of our common law litigation team's expertise in litigation before the ADGM and DIFC Courts are set out in our separate DIFC and ADGM Litigation brochure.

Bahrain is a constitutional monarchy which operates a dual legal system: civil law and Shari'a law. All commercial and civil disputes are settled by the civil law courts. This is a similar approach to that adopted in Qatar, where specialist civil courts hear commercial and civil litigation.

Our lawyers are vastly experienced in litigation, arbitration and enforcement work in all of these jurisdictions.

Some areas in which we can help:

- Litigation of large-scale commercial disputes before all levels of the onshore courts, including Appeal and Cassation Courts.
- Advice in relation of jurisdiction and alternative disputes resolution strategies.
- Enforcement of local or foreign court judgments and arbitration awards against assets located onshore, or in the wider GCC region using the DIFC and ADGM Court's 'conduit' jurisdiction.
- Advice and instruction in respect of expert reports to be served before the onshore courts.
- Referrals to the Dubai Joint Committee which has jurisdiction to determine whether the Dubai or DIFC Court has jurisdiction over a particular matter.
- Appointment of experts, administrators and receivers
- Obtaining and defending interim and conservatory measures, including, attachment orders to prevent dissipation of assets, or collection, disclosure and preservation of evidence orders.
- Legal and expert opinions on local law and regulations for the purpose of local or international arbitration matters and foreign court proceedings.



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The team is highly experienced in arbitration, litigation and dispute resolution. Hard-working partners and lawyers that never miss any details”.

The Legal 500 EMEA 2024

Our *Civil Litigation* Experience

Contractual Disputes

- Acting for a group of investors in claims before the *Dubai Courts* against a prominent developer in Dubai during the financial crisis in a landmark case on the interpretation of a force majeure clause.
- Acting for a regionally based airline to secure a favourable judgment in the *Dubai Courts* in connection with a USD 160 million commercial dispute.
- Acting for a large Emirati company owned by a prominent Azerbaijani family, defending a multi-million-dollar claim in the *Dubai Courts* for breach of contract and a parallel claim in the Swiss Courts. The matter involved opposing attachment orders in both jurisdictions and legal arguments before a specialist panel of experts instructed by the *Dubai Court*.
- Acting for a high-net-worth Kuwaiti investor in a claim in the *Dubai Courts* of AED 100 million in compensation and damages arising from delay in the completion of four projects in Dubai, in which our client had invested AED 50 million. The defendant raised jurisdictional challenge based on an arbitration clause in two of the four contracts, and a further jurisdictional challenge based on the asserted responsibility of the third-party contractors and the purchasers who defaulted on the scheduled payments. We successfully defended all jurisdictional challenges.
- Acting for a Dubai construction company in defending a US \$5 million claim in the *Dubai Courts* brought by a Greek engineering conglomerate in respect two large maritime and sea building projects in Italy and France. The matter is the first of its type to be heard before the UAE Courts and involves the deployment of expert evidence from numerous jurisdictions.
- Acting for a leading Kuwaiti real estate development company in a QAR 600 million dispute with a prominent main contractor in highly complex litigation and arbitration proceedings before the Qatar Courts and the Qatar International Centre for Conciliation and Arbitration. We successfully defended annulment procedures brought by the judgment debtor before the Doha Courts of First Instance, Appeal and Cassation, in parallel to bringing enforcement procedures in the Doha Execution Court.
- Advising a maritime transport company registered in Lebanon and Jersey in a claim for breaches of a distribution agreement by a trading counterparty.
- Acting for a subsidiary of one of the largest retail and hospitality organisations in the Middle East, Africa, and India, in defending a US \$15 million claim brought by an Australian cosmetics company for breach of a distribution agreement. We successfully defended the claim before the *Dubai Court of First Instance* which accepted our client's counterclaim that the claimant was in fact in breach of the agreement and that our client had been the victim of fraudulent activities by the claimant.
- Acting for a Kuwaiti investment company listed on the Kuwait Stock Exchange in highly complex litigation and arbitration proceedings before the *Abu Dhabi Courts* and the Abu Dhabi Commercial Conciliation and Arbitration Centre in a AED 2.6 billion contractual dispute.
- Advising a Bahraini developer in a contract litigation before the *Bahrain Court of Urgent Matters* in respect of the Jumeriah Gulf of Bahrain Resort development.

Our *Civil Litigation* Experience

- Acting for UAE-based banks in several mortgage debt recovery cases in *the UAE Courts* against international companies, including obtaining numerous attachment orders.
- Acting in a multi-million dollar claim arising from a breach of payment obligations in a matter governed by the laws of Bahrain. We also advised on alternative dispute resolution mechanisms available under the subcontract and potential interim proceedings before the *Dubai Courts*.
- Advising *Bahraini* investors / shareholders of a UAE commercial entity in relation to a claim for unpaid dividends under a shareholders' agreement, which included financial accounting evidence.
- Advising a foreign offshore investment company against a prominent master developer in *Dubai* in a AED 60 million dispute under an SPA relating to one of "The World Island" projects that included jurisdictional challenges due to the existence of an arbitration clause in the SPA.

Shareholder / Joint Venture Disputes

- Acting for a corporate client in a series of labour cases before the *Dubai Court* with parallel proceedings in the English Court related to a potential warranty claim arising under an SPA.
- Acting for a series of investment companies owned by a prominent and high-net-worth family office and successfully defending a US \$35 million claim brought by an international financial institution in the *Dubai Courts*. The claim was brought against members of the family and UAE and UK companies in which they own shares.
- Acting for a high-net-worth UAE-based individual in a shareholder dispute with a global logistics company. The matter has involved both litigation before the *Dubai Courts* and DIAC arbitration proceedings to recover a multi-million dollar unpaid profit share.
- Successfully obtaining judgments in the *Abu Dhabi Court of Appeal* to compensate a group of investors for loss of opportunity and profit in relation to an investment with major developers, Tarnouh-Sorouh.
- Advising a high-net-worth individual and related commodity investment vehicle in the UAE concerning aspects of a claim worth in excess of US \$100m arising out of the liquidation of an international agricultural trading investment vehicle. This included advising as co-counsel with an offshore law firm and dealing with liquidators and legal advisors in the *UAE, British Virgin Islands and Singapore*.
- Acting for a UAE limited liability company and manufacturer of armoured cars in a dispute with its local sponsor under the *UAE Commercial Companies Law* to recover financial losses.

Enforcement & Execution

- Advising a major contractor on the enforcement of a USD \$15 million ICC arbitral award before the *Bahrain Courts*. Successfully navigated proceedings through and up to the Execution Court where our client was able to recover 100% of the judgment debt including interest, costs and court fees.

Our *Civil Litigation* Experience

- Advising a high-net-worth individual on the execution of an indebtedness declaration directly before the Judge of Execution in the *Dubai Courts* in accordance with the latest amendment to the UAE Federal Civil Procedures Law No 11/1992 in Article 75(2)(b).
- Acting for one of the largest tech companies in the Silicon Valley to obtain recognition and enforcement of a California Court order before the *Dubai Courts* for AED 10 million.
- Acting for a UK company in successfully obtaining a judgment for the ratification and enforcement of a USD \$1 million ICC arbitral award against a Dubai registered entity before the *Federal Courts in UAE*.
- Acting for the Claimants in a claim for recognition and enforcement of a multi-million pound English Court judgment using the DIFC Court's conduit jurisdiction for the purpose of onward enforcement in onshore Dubai pursuant to the enforcement protocol between the DFIC and the *Dubai Courts*. This included applications to the Dubai Courts for attachment and seizure orders in respect of the Defendant's assets.
- Acting for a Hollywood production company in relation to the enforcement of distribution rights confirmed by a foreign arbitral award in the *UAE* (which was the first successful registration of a case under the new UAE Arbitration Law by an international firm in the UAE).
- Acting for a high-net-worth client to enforce an award for c.USD \$12 million in damages and legal costs in multiple jurisdictions in the *Middle East and Lebanon* where we obtained a reciprocal judgment.
- Advising a leading global asset management company on the enforcement of a multi-million pound UK judgment in the *UAE*.

- Acting for one of the largest concrete suppliers in Bahrain to enforce a judgment issued by Bahrain's High Court in the local *Dubai Courts*.

Civil Fraud / Criminal Actions

- Acting as External Administrator of Awal Bank B.S.C. in Bahrain since 2009 upon appointment by the Central Bank of Bahrain, and thereafter, as Court-appointed Liquidator. Our ongoing appointment is a direct consequence of our successes in defending and pursuing the interests of circa 50 creditor banks worldwide (managing over 75 litigation cases all over the world). This high profile and demanding appointment involves allegations of a multi-billion dollar fraud across numerous jurisdictions litigating complex matters of banking practice in a number of jurisdictions in *Europe, the Middle East, USA and the Caribbean*.
- Acting for a UAE multinational telecommunications services provider in defending a multi-million dollar claim for damages in the *Dubai Courts*, up to the *Dubai Court of Appeal* arising from a civil fraud.
- Representing several high-net-worth individuals in successful ground-breaking legal challenges before the *Dubai Court of Cassation* in respect of the tortious responsibilities of telecommunications providers and banks in the context of sophisticated multi-million-dollar SIM Card swap frauds, of which our clients had been the victims.
- Acting for a high-net-worth family in a claim before the Dubai Courts against a prominent local bank for financial wire fraud committed by the employees of the bank. We successfully secured a judgment from the *Dubai Court of Appeal* ordering the bank to pay our client significant damages.

Our *Civil Litigation* Experience

- Acting for several individuals in the UAE in a complex cybercrime/social media related claim before the *Dubai Courts*.
- Acting for a prominent *UAE* bank in a landmark case of phishing, internet abuse and hacking of accounts.
- Acting for the Central Bank of *Afghanistan* against of an Afghan bank in a USD 1 billion fraud case. The situation was critical to the prosperity of Afghanistan as international monetary funding was suspended whilst action was taken.
- Successfully appealing criminal matters, including a breach of trust, cybercrime, money laundering and fraud matters.
- Acting for a Dubai real estate company in defending a US \$50 million claim brought by two UAE banks for repayment of funds lent under a loan agreement. The situation was complicated by the fraudulent actions of members of the onshore company, which resulted in claims being brought against those individuals and a UAE Bank before the *Dubai Court*.
- Acting for UK-based liquidators of an insolvent UK company in proceedings before the *Dubai Courts* to recover from a UAE entity to which the proceeds of an MTIC (missing trader intra community) fraud were remitted. This was part of wider asset-tracing and recovery exercises in the UK in respect of multiple entities and individuals involved in the scheme which have ultimately been traced to Dubai.
- Advising a multi-national commodity trading company in respect of criminal action to be brought against a JAFZA company for losses in excess of US \$10 million arising from forged bills of lading for shipments of coal, and advising in respect of the client's own potential exposure arising from the transaction under the UAE Penal Code.
- Acted for a Singapore-based maritime company in respect of criminal action in *Dubai* in respect of a fraudulent email resulting in a freezing order against 'persons unknown' and 'Norwich Pharmacal' relief in London which yielded documents from which the fraudsters and funds were traced in *Dubai*.
- Advised a UAE Islamic bank on strategy to re-focus then 9-year long litigation and recovery proceedings in the UAE related to a sophisticated fraudulent scheme implemented by various UAE and foreign entities and individuals against the bank to secure the restructuring a debt in excess of AED 250 million through a series of sale and purchase, option and management agreements. This included co-ordination of series of proceedings in the *Abu Dhabi and Dubai Courts* and parallel arbitration proceedings before the Abu Dhabi Commercial Conciliation and Arbitration Centre, and subsequent ratification proceedings before the Abu Dhabi Courts in respect of the arbitral award.
- Acting for UAE-based banks in several mortgage debt recovery cases in the *UAE Courts* against international companies, including obtaining numbers attachment orders.
- Acting for the Claimants in a claim for recognition and enforcement of a multi-million pound English Court judgment using the DIFC Court's conduit jurisdiction for the purpose of onwards enforcement in onshore Dubai pursuant to the enforcement protocol between the DIFC and the *Dubai Courts*. This included applications to the Dubai Courts for attachment and seizure orders in respect of the Defendant's assets.

Our *Civil Litigation* Experience

Civil Fraud / Criminal Actions

- Advising multiple UAE entities (including logistic companies, a dredging and marine expert entity and a significant commodities trading company) in respect of significant debt issues and insolvency procedures available under newly introduced federal and freezone insolvency regimes in the *UAE*, including the DMMC, JAFZA and Dubai South freezones. The most recent of these involves deficiencies to creditors in excess of US \$1 billion.
- Advising a significant UAE commercial bank in respect of a US \$600 million UAE family default including in respect of litigation verses bankruptcy processes in both the onshore and offshore *UAE Courts*.
- Advising for UK-based liquidators of an insolvent UK company in proceedings before the *Dubai Courts* to recover from a UAE entity to which the proceeds of an MTIC (missing trader intra community) fraud were remitted. This part of wider asset-tracing and recovery exercises in the UK in respect of multiple entities and individuals involved in the scheme which have ultimately been traced in Dubai.

Ancillary & Injunctive Relief

- Acting for a high-net-worth individual on various matters arising from a claim from one of the world's leading auction houses disputing the provenance of a 15th Century Quarn. This has included pursuing an international law firm in the *Dubai Court* to secure the return of funds remitted and achieving the dismissal of criminal compliant brought by the auction house before the Public Prosecutor in the UAE. The original claim was commenced in the English High Court.
- Acting for a regional airline in a global multi-faceted and complex fraud investigation and successfully obtaining an *ex-parte* worldwide freezing order which led to the freezing of c. USD \$20 million of cash and real estate assets across multiple jurisdictions (including *Bahrain, Lebanon, Singapore, the Seychelles, England, US and France*).

Other

- Successfully defending an international bank in several professional negligence cases brought by their customers.

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Charles Russell Speechlys are strong from partner level right down to their associates, and the quality of instructions and advice is maintained throughout. They are one of the most impressive outfits I work with in the region.”

Chambers Global 2024

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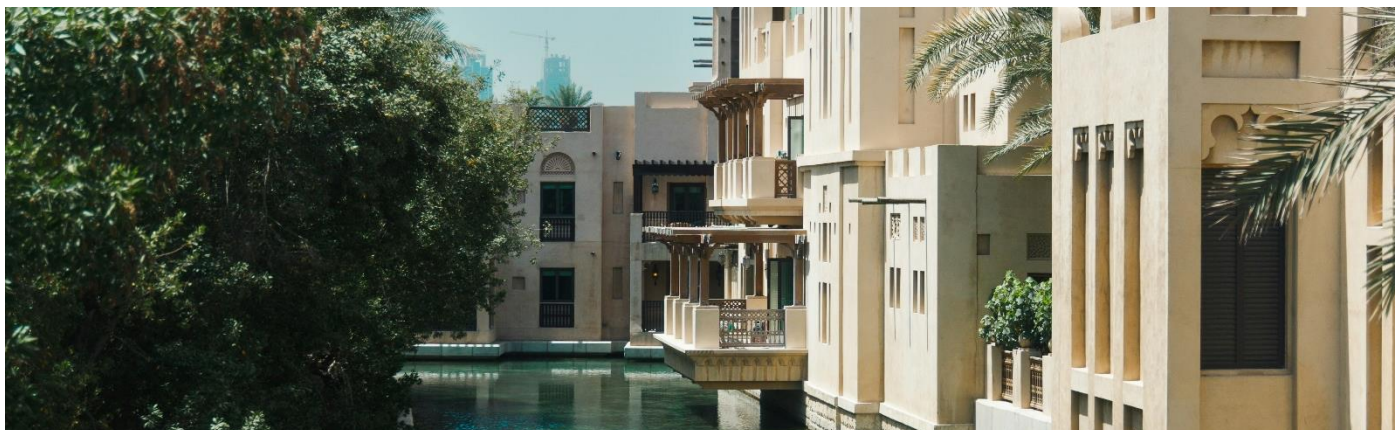
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