

transfer documents to Qubo 1. Furthermore, Ms Dilnot submitted that Liechtenstein was chosen as a suitable venue because, unlike Switzerland, it is not party to any enforcement convention with the United Kingdom. It is thus difficult to enforce English judgments and orders there as, for example, the judgment debtor has a right to re-litigate the underlying dispute on the merits before the courts in Liechtenstein;

c. On 20 December 2016 Haddon-Cave J concluded that Qubo 1 and Qubo 2 "*form part of the latest scheme by H to hide his assets*" and "*this transfer [of the Artwork] was at an undervalue or nil value and was simply the latest part of H's attempts to avoid his liabilities by purporting to transfer his assets to new entities in a new jurisdiction and thereby making enforcement more difficult*". He found that Qubo 1 and Qubo 2 were no more than ciphers and the alter ego of the Husband and that the transfer of the Artwork infringed s. 423 of the IA 1986. The Liechtenstein court granted payment orders against Qubo 1 and Qubo 2 on 28 December 2016 as well as its own freezing order;

d. It is assumed that the Artwork is still held in Stabiq Treasure House although, due to the protracted appeals process in Liechtenstein, this has not been confirmed.

### **The Monetary Assets: Whereabouts till early 2017**

16. Cotor also held a very substantial portfolio of cash and securities with UBS in Switzerland. This derived from US\$1.26 billion transferred from the Husband's private account to Cotor in 2013. The net balance on Cotor's UBS accounts was US\$1.055 billion as of 23 July 2015 and US\$890 million as of 30 November 2015 but had reduced (according to Mr Kerman, as a result of poor investment performance) to about US\$650 million by the time of the transfers in December 2016. As determined by Haddon-Cave J, these assets were held by Cotor as nominee for the Husband. These Monetary Assets are the subject of this application.
17. As with the transfer of the Artwork to Liechtenstein, the Monetary Assets were also transferred to that same jurisdiction as follows:
  - a. Mr Kerman made contact with LGT Bank ("LGT"), a Liechtenstein private bank, in July 2016. On 1 August 2016 Mr Kerman wrote to LGT providing details of the Husband and his discretionary trust, setting out a proposal to open an account in the name of Cotor. Mr Kerman met with LGT the following day;
  - b. Throughout November 2016, the Husband, Mr Kerman, UBS and LGT were in correspondence for the purpose of arranging the transfer of the assets held by Cotor at UBS in Switzerland to an account at LGT in Liechtenstein;
  - c. In his oral evidence, Mr Kerman said that around US\$650 million was transferred from Cotor's account at UBS in Switzerland to Cotor's account at LGT in Liechtenstein. The Husband also instructed UBS to transfer Avenger's funds to Cotor's UBS account and from there to Cotor's LGT account. This was all done by 5 December 2016.
18. However, the money quickly disappeared from Cotor's account at LGT. On 3 January 2017 the Wife obtained a freezing order in Liechtenstein against Cotor for £351,096,971. Yet on 19 January 2017 LGT informed the court in Liechtenstein that LGT did not hold any attachable assets on behalf of Cotor as at 4 January 2017. The Wife was thus in the dark about what had happened to this very substantial sum after it was moved to Liechtenstein. As neither the Husband nor Cotor complied with their asset disclosure obligations under paragraph 24 of the freezing order granted by Haddon-Cave J on 20 December 2016, the Wife had no method of knowing if the Monetary Assets were still