

- b) The Husband's principal identified assets are: (i) a superyacht known as the M/Y Luna ["the Yacht"]; (ii) modern art valued in January 2016 at US\$145.2 million ["the Artwork"]; and (iii) cash and securities worth around US\$650 million as at December 2016 (but worth substantially more prior to that date, c. US\$1 billion) which were previously held by the Third Respondent (Cotor) at UBS ["the Monetary Assets"]. Following an apparent recent dissipation of assets by Temur in May 2020 (in the face of these proceedings), the Husband is now also the ultimate beneficial owner of a valuable office property in central Moscow ["the Moscow Property"]. The Wife contends that the Husband had transferred the Moscow Property to Temur in 2018 to defeat her enforcement efforts.
- c) The Yacht and the Artwork were transferred into Liechtenstein trust structures in November 2016 (in the month before the trial conducted by Haddon-Cave J) pursuant to transactions which were, as Haddon-Cave J concluded in setting them aside, intended to prevent the Wife from enforcing her claims.
- d) By December 2016, Cotor (as nominee for the Husband) held the Monetary Assets at UBS in Switzerland. On or about 5 December 2016, Cotor transferred those assets to an account held in its name at LGT Bank in Liechtenstein, in turn dissipating them such that by 4 January 2017 nothing remained in that account.
- e) Recent developments in these proceedings suggest that, notwithstanding the Farkhad WFOs, the Husband continues to have access to substantial funds and leads a lavish lifestyle, making gifts to third parties (including Temur) whilst refusing to satisfy the Wife's entitlements as ordered by this court.
5. I have read an affidavit from the Wife's solicitors in support of this application and considered the earlier judgments and orders made with respect to the Farkhad WFOs. I heard oral submissions from Mr Gourgey QC and am indebted to him for his comprehensive and helpful skeleton argument.
6. The Husband was neither present nor represented and none of the other parties present at this hearing made detailed submissions on the order sought by the Wife. I am satisfied that the Husband had proper notice of this hearing, given that the application was issued on 31 July 2020 and that the methods of service used to bring the application to the Husband's attention meant that he had ample time to be present and represented if he wished.

Background to the Application

7. The Farkhad WFOs were intended to cover the totality of the Husband's known assets at the time they were made, with the particularisation of assets running to more than two pages of the orders. This was supplemented by a specific paragraph which stated that "*This order applies to assets (whether or not specifically listed) which are in the Respondent's name and whether they are solely or jointly owned*". It was clear that all the Husband's assets should be frozen to mitigate the real risk that the judgments and orders in favour of the Wife would otherwise go unsatisfied.
8. It now appears that, from the Wife's perusal of files to which she has been granted access concerning a criminal investigation presently taking place in Liechtenstein, the Husband has further assets, which were not known at the time of the Farkhad WFOs and so were not particularised. These include an account with Pasha Bank in Baku, Azerbaijan to which a total of US\$100 million was transferred between 15 May 2018 and 4 October 2018; an account with ALFA Bank, Russia to which a total of US\$232 million was transferred between 21 March 2018 and 2 October 2018; and an additional ALFA Bank account from which monies were paid in October 2019 to the Husband's

lawyers in Dubai.

9. It appears that the Husband and third parties have been taking advantage of perceived ambiguities about the scope of the Farkhad WFOs, and have suggested that these extend only to specific assets in order either to validate payments received from the Husband which come from sources not caught by the terms of the Farkhad WFOs or to make it unclear where funds have come from, such that third parties can maintain they have not knowingly assisted in breach of those orders. The result is that the Husband and those concerned in his campaign of evasion continue to enjoy vast sums of money with apparent impunity.
10. Within these proceedings, information obtained from Temur suggests that he continues to receive substantial payments from the Husband.
11. According to Temur's Defence dated 21 February 2020, he has received a number of substantial payments from the Husband since the grant of the Farkhad WFOs. He admits receiving (i) US\$25.5 million since the date of the 2016 WFO; and (ii) continuing but unspecified "*generalised financial provision*". He has confirmed that he believed the Husband to be the immediate payor of the US\$25.5 million. Temur's disclosure given in July 2020 shows that he has continued to receive substantial payments from the Husband, namely payments of a further £500,000, US\$10,249,971.57 and €5,389,260.13 euros. Thus, since the date of the Farkhad WFOs, Temur has received at least US\$40 million from the Husband whilst the Wife has received nothing.
12. The Wife submitted that Temur has either been receiving funds (i) in breach of the Farkhad WFOs or (ii) from alternative unspecified accounts belonging to the Husband which are perceived to be outside the scope of those orders because the relevant accounts are not specifically listed. Given that, the Farkhad WFOs should be extended to make it clear beyond doubt that they applied to all the Husband's assets. This was necessary to further the purpose of the judgments and orders in the Wife's favour and to mitigate the real risk that, without the Farkhad WFOs, this court's judgment and orders would go unsatisfied.
13. On 17 July 2020, the Wife obtained a without notice worldwide freezing order against Temur which was continued at an on-notice hearing on 23 July 2020 ["the Temur WFO"]. A factor prompting the Wife's application was Temur's recent actions in relation to a valuable property in Moscow which was at the heart of the Wife's claims against him and which now lies in the Husband's hands. The Wife contended that this was just another part of the Husband's campaign of evasion and underscored the need for the variations she sought of the Farkhad WFOs.
14. In summary, the dealings with the Moscow Property appear to be as follows:
 - a) Prior to June 2018, the Husband was the ultimate beneficial owner of the Moscow Property. It was beneficially owned by him through his 100% shareholding in a Cypriot company called Sunningdale Limited ["Sunningdale"] which owned all of the shares in a Russian company called Solyanka Servis LLC ["Solyanka Servis"], which in turn owned the registered title to the Moscow Property.
 - b) In June 2018, Sunningdale transferred the shares in Solyanka Servis to Temur at a substantial undervalue. Temur became the ultimate beneficial owner of the Moscow Property and the Husband ceased to have any interest in it. Although the Husband remained the owner of Sunningdale, that company had been stripped of its value. The Wife had been prejudiced as she could no longer realise the value of the Moscow Property by enforcing against the Husband's assets.