



# International Fraud Awareness Week 2024: taking action internationally

Insights - 20/11/2024

Ogier's Dispute Resolution teams have been involved in many of the largest international fraud disputes and asset tracing exercises.

Our expert Ogier teams help governments, banks, individuals, and corporates around the world to seek or defend against actions for damages and / or equitable compensation for breach of fiduciary duties, dishonest assistance, knowing receipt, unjust enrichment and / or lawful or unlawful means conspiracy.

With cross-sector strengths in financial services, we have deep knowledge of the commercial structures and vehicles used for hiding assets. Together with our colleagues in Ogier Regulatory Consulting, we also help clients ensure they have robust controls in place to prevent fraud and to remediate programs should this prove not to be the case.

Read about how we have helped clients take action across our international locations.

## | BVI

Ogier is acting for the liquidators of Three Arrows Capital, Ltd, a major cryptocurrency hedge fund with assets under management said to have been worth more than US\$10 billion.

The liquidation started in June 2022 due to significant liabilities, marking one of the first and largest crypto insolvencies worldwide. The case includes US\$1.2 billion in claims against the founders for insolvent trading and debt claims, with successful freezing orders obtained for the same sum.

Ogier is leading enforcement efforts in the BVI, Cayman, Singapore, Hong Kong, Switzerland, and other jurisdictions. *Three Arrows* is typical of Ogier's BVI team's work, acting in the jurisdiction's most complex and high value asset recovery matters.

## Cayman Islands

Ogier's Cayman Dispute Resolution team was pivotal in the eight-week trial of *Abdulhameed Jafar v Abraaj Holdings and Others* (FSD 203 of 2020) at the Cayman Islands Grand Court, which concluded in January 2024.

The proceedings followed the collapse of the Abraaj group, a major Middle Eastern Private Equity firm said to have had over US\$13 billion in assets under management. The case concerns three loans totalling roughly US\$350 million made to certain Abraaj entities in late 2017, including the fund Ogier represents. Ogier has been actively involved on this matter since 2018, handling numerous contentious matters arising from the collapse.

Since 2019, Ogier has served as Cayman Islands counsel for two state entities from Kuwait, advising on Cayman Islands law in their significant fraud and asset recovery proceedings. These proceedings address complex frauds and misfeasance said to have been perpetrated against the fund's limited partners and represent the first major action pursuing derivative claims on behalf of a Cayman Islands exempted limited partnership, marking a legal milestone. Their right to bring the derivative claims was recently upheld in the Privy Council.

## Guernsey

Ogier acted for the liquidators of a Guernsey fund which had been used as a Ponzi scheme by its promoters, defrauding retail investors of up to US\$50 million. As the fraudsters themselves were jailed soon after the fund was placed into an insolvency process by the Guernsey Financial Services Commission, the liquidators brought actions against the auditors for failing to spot the fraud. The case settled on confidential terms.

We also acted for a well-known individual, the beneficiary of a Guernsey law trust, who had been defrauded by her trustee and tricked into assigning the company owning her residential property, worth significant sums, into the trustee's hands. We obtained a judgment reversing the transaction and bringing the company, and therefore the property, back into the trust fund, with a substantial costs order against the former trustee.

## Hong Kong

Ogier represents Barclays Bank Plc in relation to numerous long-running claims arising out of the large-scale fraud committed by Maan Al-Sanea / AHAB Partners and the collapse of the Saad Group of companies. The collapse of this business group resulted in the longest trial in Cayman Islands history and multiple liquidations, of which Barclays is a creditor.

Barclays is presently seeking recovery as a creditor in the liquidations estate of Saad Investments Finance Company (No.5) Limited (SICL) and Saad Investments Finance Company (No.5) Limited

(SIFCO5), defending an appeal of a competing claim by SICL in SIFCO5's liquidation, and seeking to set-off improper payments made during insolvency of SICL. This litigation involves numerous court proceedings and proofs of debt in the Cayman Islands and related actions in the Middle-East.

## Ireland

In Ireland, we act for a financial institution who is pursuing various defendants in multiple separate sets of proceedings in the New York Supreme Court for damages exceeding US\$4 billion. Our client's claims arise from the defendants' alleged fraudulent conduct relating to the offer and sale of certain residential mortgage-backed securities. We are assisting our client (and its US legal counsel) in relation to various matters pertaining to obtaining testimony from third parties in Ireland, rules of evidence in Ireland, discovery and the statute of limitations and its applicability in the substantive US proceedings via borrowing statute.

## Jersey

The Ogier team continues to advise the Viscount of Jersey, the Chief Executive Officer of Jersey's Royal Court - as it has done since 2016 - on the administration of the *désastres* of the property of Dr Gail Cochrane (a Jersey resident) and Orb a.r.l. (a Jersey incorporated private limited company).

A *désastre* is an insolvency process unique to Jersey where the Viscount acts as a court appointed officeholder to administer the insolvency estates. The Viscount's role in this capacity requires the adjudication of creditors' claims, prior to which the debtors' assets are traced and realised.

These insolvencies exist in the context of an originating fraud perpetrated by Dr Cochrane's ex-husband, the thrice-convicted fraudster Dr Gerald Smith, in 2006. Since that time, Dr Smith and his associates (including Dr Cochrane, Orb and others) have concocted an inter-connected, multi-jurisdictional web of nominee entities to mask their illicit appropriations, often in regulatorily low-intervention jurisdictions. This has necessitated a complex global asset-tracing exercise, with freezing injunctions, confiscation orders and the like (including in Jersey, a *saisie judiciaire* - a kind of freezing order over realisable property) being obtained in aid of the process.

Ogier continues to advise the Viscount of Jersey, often working in close conjunction with officeholders and financial crime authorities in Jersey and other jurisdictions, on the ongoing global asset-tracing and recovery efforts, with a view to providing redress for creditors, a task frequently frustrated by vexatious litigation commenced by or on behalf of Dr Smith.

### About Ogier

Ogier is a professional services firm with the knowledge and expertise to handle the most demanding and complex transactions and provide expert, efficient and cost-effective services to

all our clients. We regularly win awards for the quality of our client service, our work and our people.

## Disclaimer

This client briefing has been prepared for clients and professional associates of Ogier. The information and expressions of opinion which it contains are not intended to be a comprehensive study or to provide legal advice and should not be treated as a substitute for specific advice concerning individual situations.

Regulatory information can be found under [Legal Notice](#)

## Key Contacts



[Rachel Cropper-Mawer](#)

Group Partner, Ogier Legal L.P.

[Jersey](#)

E: [rachel.cropper-mawer@ogier.com](mailto:rachel.cropper-mawer@ogier.com)

T: [+44 1534 841520](tel:+441534841520)



[Nicholas Brookes](#)

Partner

[British Virgin Islands](#)

E: [nicholas.brookes@ogier.com](mailto:nicholas.brookes@ogier.com)

T: [+1 284 852 7366](tel:+12848527366)



Jennifer Fox

Partner

Cayman Islands

E: [jennifer.fox@ogier.com](mailto:jennifer.fox@ogier.com)

T: +1 345 815 1879



Mathew Newman

Partner

Guernsey

E: [mathew.newman@ogier.com](mailto:mathew.newman@ogier.com)

T: +44 1481 752253



Oliver Payne 彭奥礼

Partner 合伙人

Hong Kong

E: [oliver.payne@ogier.com](mailto:oliver.payne@ogier.com)

T: +852 3656 6044



Ronan McGoldrick

Partner

Ireland

E: ronan.mcgoldrick@ogier.com

T: +353 1 632 3116



Tom Hall

Managing Associate

Jersey

E: tom.hall@ogier.com

T: +44 1534 514443

## Related Services

Dispute Resolution

Fraud and Asset Tracing

Trusts Disputes and Applications

Regulatory

Legal

Ogier Regulatory Consulting

## Related Sectors

Restructuring and Insolvency

Trusts Advisory Group