

**In the name of His Highness Sheikh Tamim bin Hamad Al-Thani,
Emir of the State of Qatar**

**IN THE CIVIL AND COMMERCIAL COURT
OF THE QATAR FINANCIAL CENTRE
FIRST INSTANCE CIRCUIT**

14 January 2014

CASE NO: 1 of 2013

**IN THE MATTER OF THE
WINDING UP OF AL MAL BANK LLC**

FURTHER RULING

Members of the Court

Justice Cullen

Justice Dohmann

Justice Gibson

Introduction

1. On 6 June 2010 the Court made an order for the winding up of the Al Mal Bank LLC (“the Bank”), pursuant to Articles 77(2) and 78(1)(A) of the QFC Insolvency Regulations (“the Regulations”), and appointed Joanne Kim Rolls and Steven John Parker, who were insolvency practitioners in RSM Tenon, to act as Joint Liquidators (“the Joint Liquidators”). The Bank had been incorporated on 3 December 2008, and on 16 August 2009 it had been authorised to commence regulated business activities.
2. The Joint Liquidators applied to the Court on 15 March 2013 requesting the Court, *inter alia*, to approve the destruction of the Bank’s books and records one year after the final accounts are filed. The Court was informed by the Liquidators that they hold approximately 35 boxes containing the Bank’s books and records.
3. In its Ruling on the application dated 27 October 2013, the Court stated that it was “aware that the former Chief Executive of the Bank and another former senior employee are subject to criminal proceedings in the state courts of Qatar. The Court is therefore concerned that documents and records of the Bank, which may be required as evidence in these proceedings, should not be destroyed if they are so required. In these circumstances, the Court wishes to keep the matter under review and hereby directs the Liquidators to inform the Registrar one month before the year following the filing of the final accounts will expire whether any request for documents and records has been received. The Registrar will inform the Qatari prosecuting authorities of this Ruling to facilitate their making a request. If no such request has been received by the end of that year, the Court will be minded to approve the destruction proposed, but does not make an order to this effect today.”
4. The Registrar duly informed the Qatari prosecuting authorities of the Court’s Ruling, and he sent a further enquiry to those authorities more recently, but no request has been received thus far.

5. By letter dated 20 December 2013 but received by the Registry on 6 January 2014, the Liquidators seek a further direction from the Court in relation to both the Bank's books and records and the Liquidators' own books and records, i.e. those generated by the Liquidators themselves. As to their own books and records, the Liquidators seek a period of six years after their final discharge before those books and records are destroyed.
6. As to the Bank's records, the Liquidators are concerned as to the period for which they need to reserve costs for storage, insurance, and possible transport to Qatar. They also raise the question of "assurances from the State Court that it would take full responsibility for storage in Qatar should that arise" for any period.
7. The Liquidators submit that the Court should vary its Ruling, either so as to confirm destruction of the Bank's books and records 12 months after the Liquidators are discharged, or, if the State Court requests the documents within this period, that there be full indemnities for the Liquidators; alternatively, that the Court itself receives the Bank's books and records for safe keeping within one months after the final accounts/discharge date, with the Company in liquidation paying a fixed administration fee.
8. As to the latter proposal, the Court makes it clear that it can not accept documents for storage on behalf of any third parties.
9. As to the former proposal, the Court has deliberately left the date for any final destruction of the Bank's books and records flexible since it wishes to keep the matter under review.
10. However, the Court hereby does direct that:

- 1) The Liquidators are at liberty to make provision for the reasonable costs, including adequate margins, of storing, insuring, and possibly transporting the Bank's books and records to Qatar, and to make that provision for such period beyond 12 months after the final accounts/discharge stage as they see fit;
 - 2) The Liquidators are at liberty to destroy documents, including working papers, generated by themselves after six years calculated from the date of their final discharge.
11. The Court had, in paragraph 8 of its Ruling of 27 October 2013, referred to a possible request from the Qatari prosecuting authorities, not the State Courts. But in any case, the Court would not expect any documents requested from the Liquidators to have to be returned to them, nor does the Court think it appropriate to seek any indemnities for the Liquidators from the Qatari authorities, who would have taken full responsibility for the Bank's books and records delivered to them.

B Dohmann

Justice Barbara Dohmann QC, QFC Civil and Commercial Court

