

**THE ATTORNEY GENERAL OF ZAMBIA FOR AND ON BEHALF OF THE REPUBLIC
OF ZAMBIA V MEER CARE & DESAI AND OTHERS**

Briefing note on the Judgment of Mr Justice Peter Justice Smith dated 4 May 2007

Headline points arising from the Judgment

1. The former President of Zambia, Dr FJT Chiluba, the former Head of the Zambian Secret Intelligence Services, Xavier Franklin Chungu, Stella Chibanda, a former senior official in the Zambian Ministry of Finance, Faustin Kabwe and Aaron Chungu, Directors of Access Financial Services Limited, have all been held to have conspired to misappropriate from the Government of Zambia the headline figure of US\$ 25,000,000 under the Zamtrop Conspiracy and US\$ 21,000,000 under the BK Conspiracy.
2. Dr Chiluba, XF Chungu and Stella Chibanda have all also been held to have broken the fiduciary duties they owed to the Republic.
3. Faustin Kabwe and Aaron Chungu have also been held to have dishonestly assisted in such breaches.
4. Two English law firms, Meer Care & Desai and Cave Malik & Co have been held to have conspired with the Zambian Defendants to misappropriate monies from the Republic, to the extent of the stolen Government monies that passed through their hands (a headline figure of some US\$ 10,000,000 in the case of Meer Care & Desai and some US\$ 3,000,000 in the case of Cave Malik in respect of both the Zamtrop and BK Conspiracies). They have also been held to have dishonestly assisted the Zambian Defendants in their misconduct .
5. The former Zambian Ambassador to the USA, Atan Shansonga, was held liable for dishonest assistance in the headline sum of some US\$ 2,900,000 (the sums of stolen Government money traced through his accounts).
6. Raphael Soriano, a Congolese national now resident in Belgium, was adjudged to have fully participated with the Zambian Defendants in the BK Conspiracy and to be liable for the misappropriation of US\$ 21,000,000 of stolen Zambian Government money.
7. Boutique Basile, a Swiss tailor's firm was found liable for US\$ 1,200,000 in conspiracy and dishonest assistance. The Judge found that at least US\$ 500,000 of the sums received by Basile were spent on clothes for Dr Chiluba (see further below).

Why were the proceedings brought in London?

8. The case was brought in the High Court in London because of the money that passed through bank accounts in London. It was then disbursed to England, Switzerland, Belgium, the US and elsewhere, or went on a round trip back to Zambia. London was at the centre of the wrongdoing by 20 Defendants based in Zambia, England, Belgium, Switzerland the US and elsewhere. The result is that to obtain an effective remedy, the Zambian Government had to sue here.

9. An example of the effectiveness of the English jurisdiction is the trial in London of the preliminary issue against the Belgian Defendants in August 2005, which resulted in a substantial recovery of Belgian assets for Zambia.

The Task Force on Corruption

10. The genesis of the investigation of the claims pursued in the litigation was the establishment by the present President of Zambia, Levy Mwanawasa SC of the Task Force on Corruption in 1992, with a mandate to investigate instances of plunder of national assets under the Presidency of his predecessor, Dr Chiluba.

Brief timetable of the proceedings and the parties

11. As a result of the Task Force's investigations, in November 2004, Zambia's English legal team obtained worldwide freezing orders from the English Courts freezing the assets of Dr Chiluba, XF Chungu, Stella Chibanda, Faustin Kabwe and Raphael Soriano.
12. The Claimant is the Attorney General of Zambia, for and on behalf of the Republic of Zambia, represented by DLA Piper (Partner Janet Legrand) and Counsel led by William Blair QC and Michael Sullivan.
13. There were originally 20 Defendants, not all of whom were still involved by the time of the trial. A list of Defendants and their status is attached to this briefing note.
14. The proceedings were issued in March 2004 and, following unsuccessful jurisdiction challenges (up to the House of Lords), strike out applications and other interlocutory battles, the four month trial began on 31 October 2006.

Jurisdiction challenges

15. The Zambian based Defendants originally participated fully and were represented by solicitors and Counsel. They unsuccessfully challenged the English Court's jurisdiction over them before the High Court and Court of Appeal. The House of Lords dismissed their petition for leave to appeal.
16. The Zambian Defendants then dis-instructed their lawyers and "discontinued participation" in the proceedings, despite the fact that Zambia had lifted a Restriction Notice imposed on their Zambian assets to enable them to fund legal representation (Judgment paragraphs 8-22).

Special arrangements to protect the Zambian Defendants' rights to a fair criminal trial

17. The Zambian Defendants are the subject of criminal proceedings or investigation in Zambia. A condition of their bail is the surrender of their passports. The English Courts were concerned to ensure that they could have a fair civil trial in England without prejudicing their defence of the criminal proceedings.
18. Special arrangements were put in place to achieve this:
 - All hearings and the trial were held in private.
 - All hearings and the four month trial took place by video-link. A dedicated satellite was installed in a secure court room in Zambia and videoconferencing equipment was installed in the High Court in London to enable participation from Zambia.

- The Defendants' defences, documents and witness statements were ring fenced from the Task Force and distributed only to the Attorney General and his key staff for the sole purpose of the civil proceedings.
 - The Judge and the Claimant's legal team travelled to Zambia in December 2006 and spent three weeks in Zambia taking evidence as a special examiner by video-link with the Court in London. Had the Zambian Defendants participated, he would have heard their evidence in person.
19. Dr Chiluba broke the ring fencing order which was put in place for his benefit on the first day of trial by giving a press conference and publishing ring fenced material. Nevertheless, the trial continued to be held in private.
20. The trial lasted four months, from 31 October 2006 to 29 February 2007. Zambia called 47 witnesses of fact, expert evidence on Zambian law and expert accounting evidence, tracing the flow of funds. It disclosed large volumes of documents. The trial bundles exceeded 100 files. At trial, the only participating Defendants were Iqbal Meer, Naynesh Desai, Bimal Thaker, BB Thaker and Atan Shansonga. They called no other witnesses to corroborate their Defences.

The Zamtrop conspiracy

21. The Attorney General of Zambia sought to recover in excess of US\$ 46,000,000 of stolen Government monies which had been transferred by the Ministry of Finance between 1995 and 2001 into a secret bank account (the Zamtrop account) held in London and operated by XF Chungu outside ordinary Governmental procedures.
22. The Judge held that, "The conspiracy was effected by the intimidation of Government employees by Stella Chibanda and maintaining that there should be no challenge to what was going on because it was all "secret operations" of the Government security arm ZSIS. None of this was true; the Zamtrop account was set up as part of the conspiracy to steal. It was operated under the Financial Charter 1970 to hide what was going on and to inhibit legitimate queries. By operating under that regime Dr Chiluba and X F Chungu were able to restrict investigations of the operation of the Zamtrop account to them. "There was no lawful reason for this operation; it was the vehicle for the fraud." (Judgment paragraph 32).

How the Zamtrop conspiracy worked

23. The Judge explained how the Zamtrop conspiracy worked in some detail in paragraphs 98-149 of the Judgment before concluding as follows:
24. "My firm conclusion is that in reality this whole operation was created to be used as an engine of fraud at the expense of the Republic. In so concluding I bear in mind as the participating Defendants have said that the Zambian Defendants who could have provided explanations are not before me. However, given their ability to participate in this trial as fully and fairly as possible, their failure to do so in my view shows that they have nothing to say in their defence. Their absence does require caution but the evidence in my view is overwhelming."
25. "I am satisfied on the basis of the evidence led by the Attorney General of Zambia [which included well over 100 lever arch files of documents, 47 witnesses of fact and expert legal and forensic accounting evidence] that there was a primary conspiracy created by the Zambian based Defendants to steal money from the Republic. I am satisfied that the method was by fraudulent contracts in favour of Wilbain and Systems and fraudulent payments made from the Ministry of Finance under the approved budget into the Zamtrop account for the

purpose of stealing as much money as possible thereby paid into the Zamtrop account. The method of opening and operating of the Zamtrop account in my view admits of no other explanation of credible nature. Dr Chiluba, XF Chungu and Stella Chibanda are all involved at that stage. "The cloak of secrecy was maintained by the climate of fear created by the triumvirate within Government circles of Dr Chiluba, X F Chungu and their willing assistant Stella Chibanda, who received large sums of money in a Zambian context." (paragraphs 150-151).

The detail of the Zamtrop conspiracy

26. The Zamtrop conspiracy is complex because of the vast numbers of transfers of funds and the very complicated tracing exercise that has been necessary to prove that the monies paid out of the Ministry of Finance, into the Zamtrop account and subsequently laundered through London, including through the client accounts of the two firms of English solicitors, or round tripped back to Access Financial Services in Zambia or disbursed in Belgium, Switzerland, the USA and elsewhere were stolen Government monies. However, in essence, the Zamtrop conspiracy was a simple one. The Judge summarised how the money was stolen from Zambia as follows:
27. "Authorisation was obtained for transfers of Government money to the Zamtrop account for the purpose of discharging debts said to be due to Systems and Wilbain. No other purpose ever received an express or implied authorisation. US\$30,586,521 was claimed from the Ministry of Finance and paid into the Zamtrop account as payment to Systems of which only US\$14,170,500 was paid onto that company, leaving a difference between the amount claimed and the amount paid of US\$13,416,021. The amount claimed referable to Wilbain was US\$12,158,985 of which only US\$355,000 was paid onto that company, leaving a claimed but unpaid balance of US\$11,782,985."
28. "The total amount authorised for payment but not paid is therefore US\$25,754,316, taking into account the Grant Thornton variations in their supplemental report. In addition a total of US\$5,334,000 was remitted directly to Wilbain from the Ministry of Finance" (paragraphs 161-163).
29. Having been paid out of the Ministry of Finance into the Zamtrop account in London, the monies were then disbursed. Huge sums were washed through the client accounts of 2 English law firms, Meer Care & Desai and Cave Malik & Co (a total of some US\$ 10,000,000 and US\$ 3,000,000, respectively in relation to both the Zamtrop and the BK conspiracies). The law firms paid the money on the instructions of Faustin Kawbe without questioning their instructions. They performed no underlying legal work and allowed their client accounts to be used as bank accounts, but without exercising the scrutiny of a bank as to the provenance of the money they were receiving or asking the questions the judge considered that an honest solicitor would ask about the transactions they were giving effect to.
30. Atan Shansonga, (who was appointed as Zambia's ambassador to the USA during the course of the conspiracy) played a similar role, incorporating offshore companies through which to channel funds. As with the solicitors, he did not question the transactions that were effected through his accounts. He even acted as a courier for XF Chungu by taking US\$ 250,000 in cash in a suitcase to Switzerland on his behalf.
31. The conspiracy began to unravel when Systems began pressing the Government for claimed arrears of payment and questions began to be asked about the discrepancy between the payments that appeared to have been paid to Systems, as opposed to those actually received by it. When the queries were raised with X F Chungu in October 2001, he expressed regret that the matter had been dealt with on paper instead of verbally, reiterated that the Zamtrop

account was a special account which was sensitive and stated that, in the circumstances, the debate and disclosure "would unnecessarily open a Pandora's box and the effect would be very difficult to deal with" (paragraph 218).

The BK Conspiracy

32. The BK Conspiracy was much simpler. In essence, Dr Chiluba, XF Chungu and Stella Chibanda conspired with Raphael Soriano to misappropriate US\$ 21,000,000 of Zambian Government money.
33. In early 1999, XF Chungu signed an agreement on behalf of Zambia appointing Soriano as its consultant to negotiate and purchase arms, ammunition and equipment. In August 1999, an agreement was purportedly entered into by Zambia with a Bulgarian company, Teraton EAD, for the procurement of helicopters, fighter aircraft, arms and equipment. Soriano purportedly agreed to assist Zambia in funding the purchase and then obtained a Facility Agreement from Zambia which required an upfront payment of US\$10,000,000 to be advanced to him before he advanced any monies to Zambia. The Judge held that this was "plainly a fraudulent instrument to provide an umbrella for the removal of the monies from Zambia". (paragraph 1091)
34. Soriano procured the payment by Zambia over the next 3 years of in excess of US\$ 20,000,000 pursuant to these arrangements into bank accounts in the name of "BK" in Belgium, which he controlled. He received a further US\$ 1,000,000 direct from the Zamtrop account.
35. No weapons were ever delivered to Zambia and Zambia's lawyers secured the disclosure by the Belgian bank of the BK bank statements, which proved that the monies paid into the Belgian banks were dissipated away. The payments out of the BK account included cash withdrawals by Soriano in excess of US\$ 7,600,000 (including a single cash withdrawal of US\$ 1,380,000), large payments to XF Chungu and large transfers to Meer Care & Desai and Cave Malik & Co.

How was the stolen money spent?

36. The Judge addressed this issue in a number of areas of his Judgment and in particular at paragraph 57: "The most serious revelation in this case is the cynical and unjustified misappropriation of funds for the private purposes of Government officials".

The types of expenditure included:

- clothes (in excess of US\$1.2 million was paid to Boutique Basile alone)
- properties
- huge cash payments (see above re Soriano)
- payment of very substantial credit card expenditure
- jewellery
- payment of school fees and payment for childrens' cars, accommodation and lifestyles
- motorcycles and cars

- very substantial payments to third parties including senior Zambian officials and also, bizarrely, US churches

The President's clothes

37. The Judge addressed the issue of the President's clothes at some length in the Judgment: see, for example paragraphs 60-69 and 467.
38. "I saw some of the clothing at court... The items seized by the Task Force [The Task Force on Corruption, set up by President Mwanawasa in 2002 to investigate instances of corruption during Dr Chiluba's Presidency] were considerable. First there were 349 shirts. A large number of these bore the FJT monogram on them and they were from virtually every designer outlet. Second, there were 206 jackets and suits. A large number of these were from Basile bearing the FJT monogram. Third, there were 72 pairs of shoes. A large number of these were hand made by Basile with the FJT logo. All were for Dr Chiluba's unique personal specification (high heels). Many of them were in their original shoe covers and had not been used. There were a large number of other items".
39. "The receipt of the clothing by Dr Chiluba plainly required an explanation. If one is generous and assumes that only (and I use that word in the context of this case) Dr Chiluba received goods from Basile to the dollar equivalent of \$557,803 it calls out for an immediate explanation by him. It reflected as I have said over five times the totality of his salary when he was in office for 10 years. I have already commented that there is nothing from his pre-Presidential life style to suggest that he had wealth and there appears to be nothing in his post Presidential life style to suggest he has wealth. As the former President of a country as poor as Zambia the people were entitled to an explanation. This trial was the place where Dr Chiluba could have vindicated himself. He has totally absented himself from the trial" (paragraphs 62-63).
40. "The people of Zambia will know that whenever Dr Chiluba appears in public wearing a smart handmade suit or a pair of his "signature shoes" that they were acquired by stealing money from the people, the vast majority of whom live at subsistence levels" (paragraph 467).

The Judge's findings in relation to Dr Chiluba

41. The Judge made very detailed findings in relation to Dr Chiluba at paragraphs 441 to 471 of the Judgment. He summarised his views as follows:
42. "At the end of the day he was the President at the top of the control of Government finances. He was uniquely positioned to prevent any corruption. Instead of preventing corruption, he actively participated in it and ensured it happened. It is difficult to find an adjective that adequately describes the failure on the part of Dr Chiluba. He has defrauded the Republic. He has deprived the people over which he was exercising stewardship on their behalf of huge sums of money which was supposed to be spent for their benefit. He has diverted those monies for wide ranging benefits of the co-conspirators but has not (unlike Clive of India) shown restraint himself in the amount of money which he "plundered" from the Government coffers. It is a shameful series of actions and he should be ashamed" (paragraph 443).
43. "As the former President in the light of the serious allegations made against him he ought to have in conscience explained himself to the Zambian people. He was in a position to do so in these proceedings without any fear of compromising any defence in criminal proceedings and without any fear that the evidence he gave could be misused by the Attorney General of Zambia. He has not taken advantage of that option and in so doing he has in my view further

abused the people of Zambia. They are entitled to an explanation from him as to what has happened to the large amounts of monies which were under his control by virtue of the Financial Charter and which came into and out of the Zamtrop account. He has had all the documents provided and therefore lacked in nothing to present his case" (paragraph 446).

44. "I have already dealt with his inadequate defence in respect of the conspiracy. I am quite satisfied that he had an active role in the setting up of the Zamtrop account and its operation. I am also satisfied that on occasions he actively participated in payments made to it and he received substantial personal benefits" (paragraph 448).

The Judge's findings in relation to Meer Care & Desai (MCD) and Iqbal Meer

45. The Judge considered the position of MCD and its senior partner, Iqbal Meer in depth at paragraphs 541-684. At the heart of Meer's defence was the assertion that he had met with XF Chungu and Faustin Kabwe in 1995. At the meeting, XF Chungu had asked him to act for Faustin Kabwe's company, Access Financial Services Limited (AFSL) who, he was told, would be performing various services for ZSIS in the receipt and disbursement of Government monies. He says that he agreed to assist AFSL and that he assumed that his firm's involvement was required for reasons of discretion.
46. In all cases, Meer received instructions from Faustin Kabwe which he simply implemented without question. The Judge commented,
47. "The major difficulty that faces Mr Meer in my view is that right from the start he apparently credited Government monies to a ledger in the name of Faustin Kabwe. He accepted unquestioningly instructions from FK to disburse money from that account. It is plain that all the disbursements in respect of the very first payment in are plainly not for Government purposes. An honest person would know that those payments are not being utilised for secret service commitments. Mr Meer must have realised that; it is self evident from the nature of the disbursements. It must be appreciated that on Mr Meer's case Faustin Kabwe had no beneficial entitlement to the monies. Simply following Faustin Kabwe's instructions as to disbursement would lead to the possibility that Mr Meer must be alert to the fact that Faustin Kabwe might actually be defrauding the Government. In fact, Mr Meer asked nothing about the disbursements." (paragraph 579).
48. "This is classic blind eye dishonesty. There are two possibilities. Mr Meer did not ask because he knew precisely what was going on, namely that there was a conspiracy to defraud and he participated in it willingly. The other possibility is that he did not ask because he did not want to know the answer."
49. "In my view it is not necessary to decide which of the two is the more likely scenario. I am quite satisfied however that no honest solicitor in his position would have done what he did, namely nothing whatsoever beyond implementing the instructions without question. His conduct therefore was dishonest as soon as he failed to question the very first instruction to disburse funds. This grew and grew and of course it must be appreciated that he received at least US\$ 7,000,000 over the period of time. Not one direction to dispose of these funds was ever questioned by him." (paragraphs 587 and 588).

The Judge's findings in relation to Cave Malik & Co and Bimal Thaker

50. The Judge considered the position of Cave Malik & Co (CM) and of Bimal Thaker in depth at paragraphs 685 -875.

51. Until a very late stage in the proceedings, Bimal Thaker asserted that he was a partner in CM. In November 2005, he completely changed position and denied that there was a partnership. The Judge described his evidence in this respect to be "quite extraordinary" (paragraph 701) and commented that the position adopted in relation to the partnership issue was "unacceptable" and that it was "surprising that it was ever considered an appropriate way to act" (paragraphs 706, 709 and 711). The driving force behind the approach appears to have been the involvement of the insurers funding the defence of the proceedings. The Judge described the approach adopted as "very unattractive", "unacceptable in modern procedure" and "not appropriate in the law of England and Wales". (paragraphs 713-4).
52. The Judge found Bimal Thaker to be a dishonest witness in many respects. In relation to the firm's accounts, he was found to have lied and to have given an explanation that was "breathtaking in its evasiveness" (paragraph 744). He commented,
53. "I simply do not believe any of this. I can well understand why BT was unwilling to give evidence on oath about this. It is simply impossible with any credibility for him to be unable to explain the accounts, his signature to the accounts and how the accounts came to bear a signature purporting to be the signature of his father. The reason is self evident. BBT became a partner in CM right from the start and was a partner throughout. Any lack of clarification of the terms of the partnership arises simply over BT's attempt to deceive the court by putting forward a bogus case asserting that BBT was not a partner. There was and remains plenty of material that has been withheld as I have set out above."
54. The Judge found that Bimal Thaker lied to the Court on a number of occasions and in a number of material respects failed to ask the questions that an honest solicitor would have asked. (See for example paragraphs 761, 760-4, 766, 767, 778, 781, 784, 797, 798, 809, 851, 856, 860 and 865). In paragraph 761, the Judge said: "I should say that having seen BT give evidence and being cross examined I am satisfied that he lied to me on a number of occasions. I do not believe him when he said he did not receive and did not read the Blue Card warnings. It is incredible for him to say (in separate actions) that he did not receive the Yellow warnings and the Blue warnings. I simply do not believe him."
55. The Judge commenced his conclusion as regards Bimal Thaker as follows:
56. "In his closing (paragraph 1363) the Attorney General of Zambia submits, 'BT has been proved a thoroughly dishonest witness in these proceedings. Zambia invites the court to find that he is liable to the same extent as the people with whom he worked so closely in London and Zambia between 1995 and 2002'
57. To describe BT as a thoroughly dishonest witness is in my view a fair description of his performance in the witness box. I found him evasive on the key points put to him in cross examination. I have set out at length earlier in this judgment the extensive areas where in my opinion BT was lying.
58. I have consider the question as to why BT lied. In my view he lied because he wished to hide the fact that he had dishonestly assisted the disposal of stolen Government monies by the unquestioned use of his client account. He also for the reasons that I have set out above clearly knew that the client account was being used as part of a conspiracy to defraud the Republic of the sums that were run through his client account. His attempt to portray himself as a naïve incompetent was not successful. It was clear from his performance in the witness

box that he was not naïve or stupid. In my view he knew what was going on and participated with that knowledge." (paragraphs 869- 871).

The Judge's findings in relation to Atan Shansonga

59. The Judge made very detailed findings in relation to Atan Shansonga at paragraphs 887 - 1026 of his Judgment. He was highly critical of Atan Shansonga's involvement in the receipt and transfer of monies on behalf of XF Chungu and of his "fundamental credibility failing" of presenting himself to the Court as an honest man who would seek clarification and would cease acting if he was not satisfied as to the propriety of what he was being asked to do.
60. "The problem about that statement is that it is a course of conduct which AS never adhered to. He never questioned anything and he never refused to do anything. If XFC asked him to do something he did it. He asserted that he was justified in this because XFC was a senior member of the Government and AS had no reason to believe that he was not entitled to use the money as he instructed AS."
61. "That in my view is not sufficient if the transaction does not look like a transaction for which he was allegedly retained. The most glaring of those in my view is XFC's alleged request to AS to collect \$ 250,000 from ZANACO and take it to him in Geneva. He attended ZANACO'S offices and signed for it. Beauty Kaluba gave him the money. He took it in an attaché case to Heathrow. The security scanner picked it up and the customs telephoned Mrs Kaluba who (unsurprisingly perhaps) confirmed that it was appropriate for him to carry on with the money. He gave the money to XFC and asked him what it was for. XFC merely said it was "for his work". He said that AS did not need to know any more about it and he did not ask."
62. "He confirmed in cross examination that he made no enquiries and had no idea what it was for. He sought to elaborate his explanation on the basis that none of the ZSIS officers or XFC had been able to come to London to take the cash."
63. "This is incredible. I cannot believe that it is realistic that if this was a ZSIS operation that XFC would entrust the carrying of the monies to AS. There must be any number of potential ZSIS operatives who could transfer the money. The reality is that AS was picked in my view because he is a party to the dishonest removal of Government monies." (paragraphs 920-924).
64. The Judge concluded (at paragraph 1026) that AS provided dishonest assistance to XFC to steal Government money in breach of his fiduciary duties and that he had also been a party to a conspiracy to steal the monies traced through his accounts and those of Redcliffe, the company he established for the purpose of laundering the monies.

Janet Legrand , Partner

DLA PIPER UK LLP

Solicitors to the Republic of Zambia

4 May 2007

BETWEEN:

**THE ATTORNEY GENERAL OF ZAMBIA
FOR AND ON BEHALF OF THE REPUBLIC OF ZAMBIA**

Claimant

- and -

- (1) MEER CARE & DESAI (a firm)**
(2) CAVE MALIK & CO (a firm)
(3) DR FREDERICK JACOB TITUS CHILUBA
(4) XAVIER CHUNGU
(5) ATAN SHANSONGA
(6) STELLA MUMBA CHIBANDA
(7) AARON CHUNGU
(8) BIMAL THAKER
(9) FAUSTIN KABWE
(10) IRENE KABWE
(11) FRANCIS KAUNDA
(12) BOUTIQUE BASILE
(13) NEBRASKA SERVICES LTD
(14) M.I.S.S.L. ASSOCIATES LTD
(15) HEARNVILLE ESTATES LTD
(16) JARBAN S.A.
(17) RAPHAEL SORIANO (aka KATEBE KATOTO aka EMMANUEL KATTO)
(18) BELSQUARE RESIDENCE N.V.
(19) ROLAND CRACCO
(20) ROBERT STANDAERT

Defendants

POSITION OF THE VARIOUS DEFENDANTS AT TRIAL

65. Meer Care & Desai, Cave Malik & Co, Atan Shansonga and Mr Thaker were represented and participating Defendants at trial. Mr Meer and Mr Desai were separately represented, as were Bimal Thaker and BB Thaker.
66. Dr Chiluba, Stella Chibanda, Aaron Chungu, Faustin Kabwe and Francis Kaunda ceased to be represented following the failure of their jurisdiction challenge.
67. The case settled in relation to Jarban SA, Belsquare Residence NB, Roland Cracco and Robert Standaert during the trial of the preliminary issue in August 2005.
68. XF Chungu, Boutique Basile, Nebraska Services Ltd, MISSL Associates Ltd, Hearnville Estats Ltd and Raphael Soriano have served no acknowledgment of service (although Soriano) filed no affidavit of means pursuant to the freezing order obtained against it.