



Nadoury & Nahas "Attorneys At Law, Legal Consultants & Translators"

Cairo: 7 Lazoughli St. Isis Building, Suite 35, Garden City: 20-2 7959658 -- 20-2 7947257/ Fax: 20-7950080

Alexandria: 22 Bani Al Abbas St., Virginia Al Fara'na Building, Fifth Floor, Suite 52, Bab Shark

E-mail: nadourynahas@gmail.com

alex@nadourynahas.com

www.nadourynahas.com

Translation



Paris, February 27th, 2019
His Excellency the Ambassador of the State of Kuwait to the
Republic of France Mr. Sami Mohammad Al-Sulaiman
2 rue de Lübeck
75016 Paris
France

Luc Miguères Emmanuel
Moulin Valérie Bensoussan
Budes-Hilaire La Roche
Guilhem Affre

Paola Garnier¹ Bertrand
Verdier Mohamed Benkhalifa²
Bussy Daniel Mainguy³ Natali
Aleksic Martin Valluis Marie-
Charlotte Delannoy Elise
Bensimon⁴

¹ Of Counsel, Bars of Milan and Versailles, Dir. 98/5
CE

² Bars of Paris and Quebec

³ Associate Professor of Law Faculties

⁴ Bars of Paris and New York

Miguères Mill 45 Avenue
Montaigne 75008 Paris

Tel. + 33 1 72 00 23 72
Fax +33 1 72 00 23
contact@mmlaw.fr
www.mmlaw.fr

Re: Bashar Kiwan / Movement towards an amicable settlement pursuant to Article 11.1 of the Agreement between the Republic of France and the State of Kuwait on the Encouragement and Reciprocal Protection of Investments as of September 27th, 1989

Your Excellency,

Following our previous letter dated December 18th, 2018, informing you about the situation of our client Mr. Bashar Kiwan and some of his relatives.

We have noted that the Kuwaiti Government has contacted Mr. Bashar Kiwan directly through Mr. Nayef Al Rekaibi, who met in Paris in January 2019.

Mr. Nayef Al Rekaibi informed Mr. Kiwan that His Excellency Prime Minister Sheikh Jaber wished to find an honorable solution to the situation described in our previous letter.

A little after, Mr. Nayef Al Rekaibi informed Mr. Bashar Kiwan that his file was now directly entrusted to Mr. Salah Al Masaad, the government lawyer (Al Fatwa).

The latter suggested that, during the princely pardon pronounced during the national celebrations of February 24th – 26th, the release of those around Mr. Bashar Kiwan, currently in detention, could intervene with immediate effect to Ashraf Kiwan, Tarek Al Hadidi, Hillal Arnoot and Hisham Al Saffar.

This princely pardon would have also entail the waiver of all proceedings in progress, the amnesty or the annulment of all judicial decisions pronounced and stopping all administrative and police measures affecting the four aforementioned persons as well as Messrs Ezzedine Zina, Thaer Salma, Yassine Abdelwahab and Abd Elnasser Ahmad concerned by the matters of Sheikh Sabah and Mr. Bashar Kiwan himself.

The princely pardon was perfectly perceived as the preliminary and decisive step to the implementation of arbitration ruling that respects law and equity, and in a perfectly confidential manner aiming to resolve this dispute.

We regret, however, that this progress remains for the time being devoid of effect; the aforementioned persons are still detained under judicial controls, under judicial proceedings, under police procedures or administrative proceedings and/or convicted.

The current wait-and-see attitude of the Kuwaiti government therefore compels Mr. Bashar Kiwan to consider all the measures envisaged in our letter of December 18th, 2018.

With regard to the construction of the Sheikh Jaber Al Sabah / Sheikh Jaber Al-Ahmed Al-Sabah Bridge as a topical example of the act of His Excellency Prime Minister Cheikh Jaber and his two sons, Sheikh Fahd and Sheikh Sabah, of Obtaining hidden commissions when awarding public contracts for megaprojects, our client claims to have:

- Copies of transfers made to bank accounts held by shell companies, for a total sum of KD 73 million, as well as the corresponding disputed agreements which would have been drawn up for services devoid of any reality with Hyundai Engineering & Construction Co., Ltd,
- The attestations of senior executives of Hyundai Engineering & Construction Co., Ltd., directly involved in the execution of these agreements, which apparently resulted in the payment of hidden commissions.

With regard to international transactions for the benefit of His Excellency Prime Minister Sheikh Jaber, with the aim of covering anticipated money-laundry and fraudulent operations, in particular, the decisions of the United States Department of Justice, our client intends, where applicable, to submit:

- the evidences approve that the operations initiated by Mr. Jho Low Taek were originally developed in the presence of His Excellency Prime Minister Cheikh Jaber in his office at a meeting hold on April 19th, 2016,
- the evidences approve the financial arrangement that allowed the implementation of these operations which seem to imply the apparatus of the State of Kuwait and the list of offshore companies that would have involved and whose members of the close family of His Excellency the Prime Minister Cheikh Jaber would own,
- A copy of the transfers allegedly received and made by Mr. Jho Low Taek for the benefit of the family of His Excellency Prime Minister Cheikh Jaber.

The immediate responsiveness of the Kuwaiti Government in dealing with the personal situation of Mr. Bashar Kiwan and his entourage whose priority, the release of the four persons mentioned above, remains the essential condition to allow a serene, constructive and confidential arrangement.



Consequently, if the aforementioned persons are not included in Princely Pardon, Mr. Bashar Kiwan has informed us that he will implement the measures indicated in our letter dated December 18th, 2018.

In accordance with our ethical rules, we invite you to forward this letter to those of our colleagues in charge of the interests of the State of Kuwait, who will receive the documents supporting each of the statements made.

In view of the discretion resulting from the implementation of an amicable settlement, this is considered by us to be restricted

Please accept, Your Excellency, the assurance of our perfect consideration.

\Handwritten Signature\

Emmanuel Moulin
Lawyer

\Handwritten Signature\

Budes Hilaire de la Roche
Lawyer

