

to a litigation or even against a non-party to a litigation. All this is intended, in my view, to facilitate the proper administration of justice by ensuring that no obstacle shall be put in the way of a litigant to prove or rebut a claim. Our own local *Supreme Court Civil Procedure Rules, 2005* provide for Specific Disclosure in Part 28 in particular rules 5 and 6 thereof.

Having regard to all these considerations, I feel able to grant the Orders sought on behalf of the Applicants.

I appreciate the Draft Order the Applicants filed in this matter but I am unable to accede to the whole of paragraph 6 of the Draft Order and accordingly I will strike out the part thereof which states:

“That the Claimants shall be relieved of their implies undertaking of confidentiality in respect of their use of any confidential documents or materials that are produced to them pursuant to the terms of this Order.”

And the rest,

“PROVIDED THAT, the Claimants may only use such confidential documentation or material in furtherance of their asset tracing, breach of fiduciary duty, fraud and associated claims which gave rise to these proceedings and the related proceedings pending before the Spanish Court and such other actions as may be necessary in other jurisdictions,”

remains.

Also, I will strike paragraph 8 of the Draft Order.

I am persuaded, having read the affidavit of Mr. Kenny on behalf of the Applicant that the Defendant is likely to have crucial, relevant information directly related to the establishment, management, operation, ownership, control, transaction and ongoing activities of Lloyd & Associates, a Belizean Company, which would enable the Claimants to establish the identity of those who use this

corporate vehicle in the perpetration of the alleged multi-jurisdictional fraud against the Claimants.

Accordingly I grant the Orders sought as amended above and that the Costs of the Defendant in providing any information shall be born by the Applicants.

DATED this 22nd day of December, 2005

ABDULAI CONTEH
Chief Justice