Judiciary of England and Wales

SUMMARY

The Public Institution for Social Security -v- Muna Al-Rajaan Al-Wazzan (& others)
The Public Institution for Social Security -v- AUB Trustees (Guernsey) Limited

[2026] EWHC 2847 (Comm): Mr Justice Jacobs

NOTE: This summary is provided to help in understanding the Court's decision. It does not form part of the judgment. The full judgment of the Court is the only authoritative document. Judgments are public documents and are available at: www.judiciary.uk, https://caselaw.nationalarchives.gov.uk and www.bailii.org.

1. This case involves proven corruption on a breathtaking scale, involving many individuals who had reached senior positions in public office or the financial services industries of fund management and banking. It has also involved the longest Commercial Court trial for 20 years, occupying some 133 sitting days (excluding reading days) and a full legal year.[1] The length of trial is commensurate with the enormity of the wrongdoing revealed in the evidence. Despite its length, and the very large number of issues raised, the basic facts can be simply explained.

The Claimant - PIFSS

2. The Public Institution for Social Security ("PIFSS"), the Claimant in these proceedings, operates the state of Kuwait's social security system, which provides Kuwaitis with insurance for old age, disability, sickness and death. It has very substantial funds available for investment for the purposes of producing a return sufficient to meet the future needs of the population.

Mr Fahad Al Rajaan

3. Mr Fahad Maziad Al Rajaan ("Mr Al Rajaan") was PIFSS' Director General, and thus the most senior employee of PIFSS, over a period of 30 years. He was appointed in 1984, and retired in January 2014, albeit that there was a period between May and November 2012 when he was suspended from office – because of concerns, then unproven, as to possible corruption.

4. As Director General, Mr Al Rajaan enjoyed considerable influence and control in relation to decisions as to how to invest PIFSS' funds. The case against him, which has been established at trial, is that he used that power and influence in order to procure the payment to himself, and his associates, of around USD 1 billion in commissions on the monies that PIFSS invested with various fund managers around the world, and that the

[1] The 2024/2025 *"Skat"* case was almost as long: 108 sitting days. The *Hewlett Packard v Autonomy* 2019/2020 main trial in the Chancery Division lasted 93 days. None of these cases, including the present, surpasses the *BCCI v Bank of England* case, which lasted 22 months and 256 trial days before the liquidators abandoned the case in 2005.

payment of these commissions was secret and never disclosed to PIFSS. The placing of those investments generated the payment of fees by various fund managers to third parties, and these were the source of kickbacks to Mr Al Rajaan. The kickbacks, which were the subject of the trial, were paid over a period of around 20 years, starting in the mid-1990s.

5. Mr Al Rajaan is the central figure in the present litigation, but he died in September 2022, some 3 years after the present litigation was started in 2019. PIFSS claims around USD 1 billion from his estate. His widow, Ms Al Wazzan, is sued in her capacity as representative of that estate. In that capacity, she is the 1st Defendant ("D1"). (I use "D" references, such as D1 (etc) rather than the "1st Defendant" (etc).

6. For some considerable time during the 2000s, allegations of corruption were made in Kuwait against Mr Al Rajaan. He appeared to live a luxurious lifestyle, well beyond the reach of the salary that he was paid as Director General. The allegations were made by various members of the Kuwaiti Parliament and others. Mr Al Rajaan always denied these allegations, as to which no documentary proof had been obtained.

7. In January and April 2015, however, significant documentary proof of Mr Al Rajaan's corruption did begin to emerge following the production of banking documentation by the Swiss authorities. There exist procedures whereby a state can request another state for assistance with potential criminal proceedings. In June 2011 the state of Kuwait had made a request for such "Mutual Legal Assistance" ("MLA") to Switzerland in connection with possible criminal proceedings against Mr Al Rajaan.

8. The banking documentation produced in early 2015 pursuant to the MLA request provided the starting point for revealing Mr Al Rajaan's corruption, and the complicity of others in that corruption, which has been established at this trial. The task of revealing that corruption was far from straightforward, not least because Mr Al Rajaan fought hard to prevent PIFSS obtaining proper access to relevant documentation.

9. Ultimately, through its access to MLA materials, the Swiss prosecutor's file, and disclosure made by D1/D2 and other defendants, PIFSS had a significant volume of documentation on which to base its case as to the corruption of Mr Al Rajaan and the involvement of various Defendants in assisting him.

10. In the light of the documentation which became available, there was no substantial dispute at the trial that around USD 1 billion was paid over the years, and that Mr Al Rajaan was the recipient of the lion's share of those monies. The routing of the payments involved a complex web of bank accounts and offshore corporate or trust entities. This was a means of concealing the kickbacks that were being paid, including by breaking up the payment flows so as to disguise their ultimate source.

The claims

11. PIFSS' central claims in these proceedings are made under Kuwaiti law, and specifically Kuwaiti tort law. I have decided that Kuwaiti law is the applicable law: i.e. the law to be applied to PIFSS' claims in tort.

12. In broad summary, PIFSS claimed compensation in the amount of the secret commissions which were received by or payable to Mr Al Rajaan and his associates. The largest claim was made against the estate of Mr Al Rajaan, for the full amount of approximately USD 1 billion which he procured for the benefit of himself and his associates.

The other Defendants

13. Apart from D1/D2, the other Defendants to the proceedings were individuals or organisations who, in one way or another, are alleged to have been complicit in Mr Al Rajaan's corruption, either paying bribes to him or laundering the proceeds of the secret commissions, or both. They can broadly be categorised as: intermediaries, fund managers, and bankers. (A small number of Defendants to the proceedings do not fall into these broad categories).

14. *Intermediaries*. The intermediaries were individuals (or their companies) who acted, or at least purported to act, as introducers of investment products to Mr Al Rajaan and thereby PIFSS. They were paid substantial commissions by fund managers for their successful introduction of PIFSS as an investor. It was those commissions which were then shared with Mr Al Rajaan and routed to the corporate or trust vehicles which he beneficially owned.

15. The Defendants who fall into this broad category are: Mr Nasrallah (D7); Mr El Ghazzi (D21) and Mr Mombelli (D26) together with a number of companies through which Mr Mombelli operated (D27-29). Each of these Defendants has been held liable for a substantial sum.

16. *Fund managers.* There are two groups of defendants who were involved in the running of various funds from which the commission payments were derived:

    i) the Man group of defendants (D15 – D19) and Mr Antoine Massad (D20) who ran Man's Middle East office for some years; and

    ii) the "Aerium defendants", comprising Ely Michel Ruimy (D39) and Aerium Finance Ltd (D40).

17. Two companies within the Man group, namely Man Investments Ltd and Man Investments AG, as well as Mr Massad, have been held liable for substantial sums. Both Ely Michel Ruimy and Aerium Finance Ltd have also been held liable for substantial sums.

18. *Bankers.* These proceedings originally involved 4 Swiss banks, and individuals who worked for or with those banks: Banque Mirabaud (D11-14), Banque Pictet & Cie ("Banque Pictet") (D3, D4, D8-10), Union Bancaire Privée ("UBP") (D22-25, and D32-35) and EFG Bank AG ("EFG") (D30 and D31).

19. However, as a result of successful applications challenging the jurisdiction of the English court, Banque Mirabaud and Banque Pictet (and individuals who worked for those banks) were not involved in the trial. UBP settled PIFSS' claim in the early weeks of the trial. EFG settled PIFSS' claim in September 2026, some months after the conclusion of the trial. No settlement was reached between PIFSS and Mr Gilles Guerin, an employee of EFG. He has been held liable for substantial sums.

20. *Pensée.* A successful claim was also made against D41, the Pensée Foundation. This was a Bahamian foundation formed in 2013 by Mr Al Rajaan, with the assistance of Mr Nasrallah and a Bahamian bank called Deltec Bank and Trust. It was created after a Swiss criminal investigation into Mr Al Rajaan resulted in his deciding no longer to use payment routes which involved Swiss banks. Pensée then received a significant volume of secret commissions, and has been held liable on various legal bases.

21. *The heirs*. D42-45 are the children of Mr Al Rajaan and Ms Al Wazzan, and (along with Ms Al Wazzan) are his heirs. A claim was made against them in order to ensure that they are bound by the result of the proceedings against D1/D2, and to stop relitigation of issues decided in this judgment.

22. *AUB*. Separate proceedings have been commenced against D1, D2 and AUB Trustees (Guernsey) Ltd ("AUB") under section 423 of the Insolvency Act 1986 in relation to assets gifted to AUB to be held on the terms of an alleged trust called the "Myrose Trust". PIFSS contends that this was for the purpose of putting assets beyond the reach of PIFSS. The present trial was not concerned with the substance of this section 423 claim, save that certain preliminary issues in relation to that claim are to be determined. Those preliminary issues have been answered in favour to PIFSS.

Quantum of recovery

23. PIFSS' claims for compensation against the various Defendants were, broadly speaking, successful. The judgment contains figures which represent the starting point for the quantum of the liability of each Defendant. However, the figures for which judgment will in due course be entered – following a further hearing in the week of 16 November 2026 – will be reduced from the starting point set out in the judgment. That is because, subsequent to the trial, PIFSS has entered into settlement agreements with two Swiss banks: Mirabaud & Cie SA (D11) and EFG Bank AG (D30), and related parties. The amounts paid to PIFSS under those settlements will reduce the liabilities of some of the Defendants against whom judgment will be given.

Why the case was heard in England

24. Against a background where the case concerns corruption on the part of the Director General of a Kuwaiti institution, where most of the Defendants are not English, and where the applicable law of any tortious conduct is not English – I have decided that it is Kuwaiti law in relation to all the Defendants – it can fairly be asked: why was this case being heard in England?

25. The main answer to that question lies in the fact that Mr Al Rajaan used his secret commissions to buy properties around the world, including in Knightsbridge, London. At some point not long after his departure from PIFSS in 2014, he came to live or at least spend substantial amounts of time at his property in Knightsbridge. The jurisdiction of the English court can be established by serving a person in England, and Mr Al Rajaan's presence in London meant that this was possible. It also enabled other parties, who were outside the jurisdiction, to be served as "necessary or proper" parties to the claim against Mr Al Rajaan. Most of the Defendants to the present proceedings, including Mr Al Rajaan himself when he was alive, did not dispute the English court's jurisdiction.

Mr Justice Jacobs

5 November 2026