



Enforcement & Sovereign debt litigation

A MULTIDISCIPLINARY TEAM

Liedekerke's Litigation and Arbitration multidisciplinary team stands for innovative solutions, in-depth experience, and legal expertise of the highest standards in enforcement and sovereign debt litigation matters.

Hakim Boularbah, head of the Litigation and Arbitration team, specializes in complex and international dispute resolution. He is recognized as an expert in civil and commercial litigation and arbitration at national, European, and international levels. Hakim has an extensive practice in enforcement of foreign judgments and in obtaining provisional measures, as well as in opposing them. He also has broad experience in dealing with mass claims litigation. Hakim is Professor of civil procedure law at the University of Liège (ULg). He is the author of numerous books and publications on judicial law, private international law, and arbitration. In 2011, he was appointed member of a group of European experts set up by the European Commission to draft a proposal for a regulation on cross-border attachment of bank accounts, now Regulation (EU) No 655/2014 of the European Parliament and of the Council.

Nicolas Angelet heads the firm's public international law practice, which covers a broad spectrum of areas including international immunities and investment arbitration. He has represented corporate clients, international organizations, the Belgian Government, and foreign states from the Americas, Africa, and Europe, before domestic courts in Belgium and abroad, before ICSID and UNCITRAL arbitral tribunals, and in ICSID annulment proceedings, in PCA inter-State arbitration, before the ICJ, the ECHR, the UN Human Rights Committee, and subsidiary organs of the UN Security Council. Nicolas is a member of the ICSID Panel of Conciliators and of the ICSID Panel of Arbitrators. He is a professor of public international law at the University of Brussels (Université libre de Bruxelles).

The **combination of skills and background** of these leading individuals in the legal sector has allowed the team to develop a unique focus on the enforcement of arbitral awards and foreign judgments and sovereign debt litigation, advising not only the creditors' side but also occasionally the side of States and international organizations.

PRACTICE HIGHLIGHTS

- In the **Yukos Oil Company v the Russian Federation** case, we assist the claimants (which are the three majority shareholders of the former Yukos Oil Company) in their enforcement of the Final Awards in Belgium.
- In the **Yukos Oil Company v the Russian Federation** case, we have brought annulment proceedings before the Belgian Constitutional Court against a new provision in the Belgian Judicial Code that provides for a new regime on a foreign state's immunity from execution (and measure of execution).
- We are in charge of having the USD 250 million ICSID award enforced in Belgium in the case **Mr. Viorel Micula v the State of Romania**.
- We assist **ATA**, a major player in the construction industry in Turkey which obtained an ad hoc arbitral award against the Jordan state-owned company Arab Potash, in exequatur proceedings and in the enforcement of an ICSID arbitral award in Belgium.
- We successfully assisted the claimant in **Mr. Joseph Lemire v Ukraine** in enforcing the ICSID arbitral award by means of a garnishment order served on air traffic charges that Eurocontrol owes Ukraine.
- We have assisted the **European Space Agency** on various immunity issues, both in Belgium and abroad.
- We acted as lead counsel for the Democratic Republic of Congo's state mining company Gécamines in proceedings on the enforcement of a debt owed by the DRC against Gécamines' assets. This notably led to the Privy Council's landmark judgment in **FG Hemisphere v. DRC and Gécamines**.
- We had an unprecedented garnishment order served against the **Republic of Argentina** in the hands of 145 financial institutions and devised creative solutions to enforce US judgments in Belgium on different types of assets.
- We advised on the enforcement of a foreign arbitral award in the case **CCI v Ministry of Irrigation of the Democratic Republic of the Sudan**.
- We assisted the **export agency of a G7 Member State** on seeking enforcement measures before the Belgian courts.
- We acted as counsel to the **Central Bank of a G7 Member State**, advising on immunity issues in Belgium.
- We obtained a judgment denying state immunity to Taiwan/ROC.

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LexMundi
World Ready

MARKET RECOGNITION

- Hakim Boularbah has “strong technical knowledge, excellent responsiveness and a practical and efficient approach.”

Chambers Europe – Dispute Resolution (2017)

- Clients laud the firm’s tactical acumen: “They have been easy to work with, identifying the issues, setting a strategy and then successfully executing that strategy.” (...) “The quality of the opinion they give is excellent. They give you real guidance with a very clear analysis of the case law and the circumstances you are in as a client.”*

Chambers Europe – Dispute Resolution (2017)



YOUR KEY CONTACTS



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