محكمة قطر الدولية
ومركز تسوية المنازعات
QATAR INTERNATIONAL COURT
AND DISPUTE RESOLUTION CENTRE

In the name of His Highness Sheikh Tamim bin Hamad Al Thani,

Emir of the State of Qatar

Neutral Citation: [2024] QIC (F) 9

IN THE QATAR FINANCIAL CENTRE

CIVIL AND COMMERCIAL COURT

FIRST INSTANCE CIRCUIT

Date: 28 February 2024

CASE NO: CTFIC0062/2023

QATAR FINANCIAL CENTRE REGULATORY AUTHORITY

Claimant/Applicant

V

PATRICK BAERISWYL

Defendant/Respondent

JUDGMENT

Before:

Justice George Arestis

Justice Fritz Brand

Justice Yongjian Zhang

Order

1. Pursuant to article 59(4) of the Qatar Financial Centre Financial Services Regulations, the Defendant is to pay the financial penalty imposed on him, in an amount of QAR 728,000, to the Claimant forthwith.

2. The Defendant is to pay to the Claimant interest on the said amount of the penalty, calculated at the rate of 5% per annum from 18 November 2022 to the date of payment.

3. The Defendant is to pay the reasonable costs incurred by the Claimant in pursuing this claim, the quantum of such costs to be determined by the Registrar if not agreed.

Judgment

1. This is an application for summary judgment in terms of article 22.6 of the Regulations and Procedural Rules (the '**Rules**') of this Court. The Applicant, who is the Claimant in the main case, is the Qatar Financial Centre Regulatory Authority. The Claimant is a statutory body created to regulate firms authorised to operate in and from the Qatar Financial Centre ('**QFC**') by virtue of article 7 of the Financial Services Regulations ('**FSR**') and it is responsible for, among other things, the detection and prevention of money laundering and terrorist financing in or from the QFC.

2. The Respondent, Defendant in the main case, Mr Patrick Baeriswyl, was a member of the senior management team and held the Senior Executive Function of Horizon Crescent Wealth LLC ('**Horizon**'). Horizon is an entity licenced to operate as an administrator of trusts within the QFC. However, by order of this Court on 8 January 2024, Horizon was to be wound up under the QFC Insolvency Regulations 2005, and joint liquidators were appointed ([2024] QIC (F) 1).

3. On 19 September 2022, as a result of the Claimant's investigations under article 50(1) of the FSR, it issued to the Defendant a Decision Notice pursuant to article 71 of the FSR, as it was satisfied that the Defendant had contravened relevant requirements within the meaning of article 84(1) of the FSR. The Decision Notice imposed a financial penalty on the Defendant of QAR 728,000 to be paid within 60 days of the Notice, that date being 18 November 2022.

4. On 17 November 2022, the Defendant appealed against Decision Notice to the QFC Regulatory Tribunal, but the appeal was dismissed and the financial penalty confirmed ([2023] QIC (RT) 2). Since the Defendant did not lodge an appeal against the decision

of the Regulatory Tribunal to the Appellate Division of this Court within the prescribed period of 60 days, the decision of the Regulatory Tribunal became final.

5. Article 59(4) of the FSR provides:

> *Any penalty that has not been paid within the period stipulated by the Regulatory Authority may on application to the Court be recovered by the Regulatory Authority as a debt.*

6. On 11 October 2023, in consequence of the Defendant not paying the financial penalty, the Claimant filed a debt application in this Court pursuant to article 59(4) of the FSR for an order compelling payment of the amount of the penalty together with interest on that amount.

7. The debt application accompanied by supporting documents were served on the Defendant by email in accordance with permission granted by the Court, on 24 October 2023. In terms of article 20.1 of the Rules, the Defendant then had 28 days to oppose the application. Upon his failure to do so, he was notified by the Claimant on 10 December 2023 of its intention to bring this summary judgment application to which the Defendant did not respond.

8. The summary judgment application is accompanied by the witness statement prescribed in paragraph 4 of Practice Direction No. 2 of 2019 (the '**Practice Direction**'). It was duly served on the Defendant by email on 16 January 2024 but remains unopposed. In the circumstances we conclude that the Defendant has no prospect of successfully opposing the claim as envisaged by paragraph 3(a)(i) of the Practice Direction, and we can see no other reason why the matter should be disposed of at trial. Accordingly, we find that the Claimant is entitled to the relief sought.

9. These are the reasons for the order we propose to make.

By the Court,

[signed]

Justice Fritz Brand

A signed copy of this Judgment has been filed with the Registry.

Representation

The Claimant/Applicant was self-represented.

The Defendant/Respondent was not represented and did not appear.

DIGITALLY SIGNED
AND VERIFIED
موقّع رقمياً ومعتمد