



ORDR-4053580526-1219



Claim No. CFI 095/2024

IN THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

(1) ROMAN ABRAMENKO

(2) VADIM MISEVICH

Claimants

and

IGOR CHUPRIN

Defendant

**SCHEDULE OF REASONS FOR THE ORDER OF H.E. JUSTICE ANDREW MORAN
DATED 5 MARCH 2026 DISCHARGING THE “CONFIDENTIALITY RING” ORDER
GIVEN EX TEMPORE ON 20 FEBRUARY 2026**

1. I shall give my decision and rulings with the brief reasons that I have been able to assemble in the limited time and urgent circumstances which pertain in relation to this application.
2. I have come to the following conclusions.
3. First, that I am prevented from refusing the application now before the Court under the common laws of England and Wales, Australia, and of this jurisdiction, which is developing its own common law, including by reference to and adoption of the common laws of its mother and sibling jurisdictions. All of those laws adopt the same prohibitive approach to any form of closed material proceedings at trial, which exclude a Party from participating

in whole or in part in that trial, absent any exceptional statutory provision, of which there is none in the DIFC.

4. Secondly, if I was wrong in reaching that conclusion, I am satisfied for the reasons which follow, that refusal to discharge the Confidentiality Ring I ordered on the 5th of December last year at an interlocutory stage in the proceedings, cannot be justified on the basis of any rights in confidence the Defendant may have in relation to the restricted material, or any risk to third Parties arising from discharging it. This is so, having regard to the serious impairment of the fair trial rights of the Claimants and consequential infringement of the policy of open justice that is vigorously adopted and enforced in this jurisdiction, that refusal of the application would entail. In those circumstances, the Confidentiality Ring order I made on the 5th of December 2025 is hereby discharged including for the following additional reasons.
5. As to the first ground for granting the application to discharge the Confidentiality Ring, I am satisfied on the basis of all of the authorities referred to by Mr. Walsh, King's Counsel, at paragraph 6.0 to 6.5 of his Skeleton Argument and in his oral submissions before me today, that if there is any theoretical power to deny a Party access to relevant evidence at trial, (and for the avoidance of doubt, I am now entirely satisfied the restricted material is relevant evidence at trial), it has never been shown to have been exercised before in a common law court, and the Defendant has failed to advance any ground or reason sufficient to show why I should exercise such a power in this case now for the first time.
6. The Defendant has not contested the effect of the judgments from across the common law world to which Mr. Walsh has referred. That is not a criticism of Mr. Rose, who did his valiant best in presenting the Defendant's resistance to this application. It is a simple legal fact that there is no basis for contestation of the effect of those decisions, which I am constrained to follow and do follow in granting this application. As Mr. Walsh submitted, this is really the beginning and end of the matter, and I might have ended these reasons with that holding of the position at law in this jurisdiction. I do not end there because I consider it necessary to explain why I consider that refusal of the application would also be a breach of the Claimants' fair trial rights and why entertaining it and granting it does not come close to permitting an abuse of process of the *Henderson* genre. This Court's duty is to ensure that there is a fair trial with, as far as possible, all relevant issues being determined by reference to all relevant evidence which all Parties are aware of, and have access to, so that they may deal with it,

respond to it, and/or rely on it as they see fit. This is a trite, obvious, and essential requirement of a fair trial.

7. A Confidentiality Ring is sometimes imposed at an interlocutory stage in proceedings where it is apparent that a Document Production Order, (DPO) is required, but the Party required to produce the documents has rights of confidentiality in the documents to be produced that he is otherwise entitled to apply to protect. This is so that the documents to be produced are kept confidential and not disclosed to persons (including other Parties in the proceedings in some cases) who do not need to see the documents at that stage of the proceedings. The restriction of a Confidentiality Ring to protect rights of confidentiality has never been shown, despite the no-doubt extensive research of Counsel which I have been told about, to continue throughout the proceedings to trial and judgment in a civil case such as this. The restriction should and will be removed when it becomes clear that the relevance and materiality of the restricted documents and the evidence they contain is such that fairness and justice requires that rights of confidentiality must be subordinated to the right to a fair and open trial with all relevant evidence being disclosed to the Parties for them to use it in public in accordance with the strong principles of open justice that govern trial procedures in this jurisdiction.

8. The Claimants have previously attempted to vary the restrictions of the Confidentiality Ring in two attempts to secure an *ex parte* hearing of their application to do so, then for the stated purpose of making an *ex parte* application for a freezing order, which I refused for reasons published after the first attempt. These same reasons were referred to again by me in dismissing the second attempt, as they did not require any elaboration. I should make it clear that I made my first order refusing to hear the application to vary and then prepared the reasons for the refusal of it and provided them to the Registry before the second application was filed. Although the second attempt was supported by a note from Counsel in the form of a Skeleton Argument, it was in substance nothing more than the same arguments, very well and better presented. It was supported by reference to authority with which I was familiar and had in mind in making my decision on the First Application. I find the Defendant was not vexed or oppressed by those applications or the applications, or the application made now. He knew nothing about the first two applications. He was not troubled by them. In relation to this issue, I have informed the Parties at the outset of the hearing that I recently delivered a judgment in the case of **LXT v SIR**, case number CFI 073 of 2024, on the 19th of January 2026, in which I reviewed the principles and authorities as

they apply in this jurisdiction stemming from *Henderson v Henderson* and culminating in clear acceptance in the Court of Appeal in this jurisdiction in certainly two authorities, as I recall, of the approach of Lord Bingham in *Johnson and Gore Wood*, in which he stated at page 31 of the judgment as follows, and I quote:

“There will rarely be a finding of abuse unless the later proceedings involve what the court regards as unjust harassment of a Party. It is however wrong to hold that because a matter could have been raised in earlier proceedings, it should have been, so as to render the raising of it in later proceedings necessarily abusive. That is to adopt too dogmatic an approach to what should, in my opinion, be a broad merits-based judgment which takes account of the public and private interests involved and also takes account of all the facts of the case, focusing attention on the crucial question whether in all the circumstances a Party is misusing or abusing the process of the court by seeking to raise before it the issue which could have been raised before.”

This is the test or approach underlying the authorities on abuse of process in relation to interlocutory applications adverted to by Mr. Andrew Rose in his Skeleton Argument at Section F.

9. Applying the specific principles in relation to interlocutory matters found in those authorities he refers to, and making the broad merits-based judgment Lord Bingham held was required in an interlocutory context, I reject the Defendant's Submissions that this application is a misuse or abuse of the process of the court, or that it constitutes any unjust harassment of the Defendant. I pay particular attention to the requirement to consider all of the circumstances - and the circumstances in this case are quite unusual. These proceedings are being brought to a speedy trial at the Defendant's request - a perfectly proper request, which I acceded to. It is a hugely dynamic engagement with Parties, their lawyers, and the Court, working in line with a compressed timetable where decisions need to be taken swiftly and acted upon swiftly. In addition, there has been a significant change in the circumstances, now that the witness evidence has been filed and the Parties and the Court have had an opportunity to consider it. That evidence was filed only quite recently, and so actions taken may not have been taken with a full appreciation of its effect. But what is now necessary, is for me to consider the effect of that evidence, in the application which is now before me, as we are close to trial, in order to ensure a fair trial. In the light of that consideration of evidence, and for the following reasons, it is clear to me that there cannot be a fair trial unless the Claimants are given unrestricted access to the presently restricted materials and allowed to give instructions on it and to deploy it

in their evidence and submissions as they see fit. The Defendant will have precisely the same opportunity because the order at the moment restricts his use of it, and he is entitled to use it and have the same advantages and opportunity that the Claimants must have.

10. So, the Claimants have now issued this application on notice seeking the complete discharge of the Confidentiality Ring order or its variation in a manner outlined in Mr Showler's statement. The principal grounds relied on are three in number, namely that first, the limited variation previously sought would not adequately address the difficulties that the Confidentiality Ring is causing in relation to trial preparation. Even if the Claimants were informed of the most recent account balances, they would still be unable to give instructions on the detailed transactional information contained in the Bank Statements. Secondly, the trial is now only a matter of days away, it was weeks away when that limited variation was written. The Confidentiality Ring is preventing the Claimants from giving instructions on matters that are central to their case and is preventing the legal team from preparing the case comprehensively for trial. Third, the continuation of the Confidentiality Ring in its current form is disproportionate to any legitimate confidentiality interest that Mr. Chuprin may have and is inconsistent with the Claimant's ability to participate effectively in the proceedings. I pause to say in passing whilst reciting the Claimants' grounds, that I find that to be a particularly compelling reason for the discharge of the Confidentiality Ring. I have contemplated the impossible difficulties that would be engendered if I were to maintain the confidentiality restriction during the course of the trial. And so, I accept the following further submissions made by the Claimants in support of those grounds for removing the Confidentiality Ring restriction and these reasons of my own.

11. First, that the Bank Statements are not peripheral or tangential evidence. They relate directly to the Claimants' case and will be a focus of the cross-examination of Mr. Chuprin at trial. As I have already observed, I have now been able to read Mr. Chuprin's evidence on the substantive issues in this case in depth and detail. I have followed his references to documents. I am satisfied that his claims of unobstructed access to and use of the funds in question until and after the dispute arose for such purposes as he saw fit as their true owner must be examined with all relevant information concerning that use and disposition of funds being made available to both him and the Claimants and of course to the Court in making its decisions at trial including centrally concerning the decision on the issue of by

whom the Kama Games businesses and their assets were beneficially owned. I accept that the question or issue of how these assets have been managed and controlled as revealed in the Bank Statements or unrevealed by lack of production of some of them, and whether Mr. Chuprin has been acting as Trustee in relation to them or has been treating them as his own, is likely to be informed by examination of all of the detailed information that is contained in the Bank Statements. I'm satisfied that redaction of any part of the transactions revealed would obscure relevant information and that the Court's ability to make a judgment on this particular issue might be seriously compromised or obstructed. Likewise, each side's ability to point to the full detail of transactions and parties to them in cross-examination and submissions directed towards advancement of their respective cases on this critical issue. In short, I accept the submissions of Mr. Showler at paragraphs 5 and 6 of his 11th statement, and accordingly I reject Mr. Rose's submissions at Section C of his skeleton argument to contrary effect, including the oral submissions that he advanced before me today. I accept, (especially now that I have seen and read the relevant Witness Statements on both sides), that the Confidentiality Ring and the inability of Trowers and Hamblins and Counsel to take instructions on the Bank Statements is causing unfair difficulty and prejudice to the Claimants and their Counsel in preparing for trial. I accept the submission that it is highly likely that Mr. Chuprin will be cross-examined at trial about movements of funds shown in the Bank Statements, and all of that will be relevant, including as to his credibility.


12. The Claimants are entitled to give evidence responding to what the Bank Statements show and explaining their position in relation to these matters in response to the overall picture and portrayal of his unrestricted use of the funds in those accounts that Mr. Chuprin has put forward in his evidence both before and after the dispute arose. I accept the Claimants cannot do so whilst they are prevented from seeing the Bank Statements or knowing what they contain. I am satisfied that would be unfair and unjust in the light of the evidence tendered by Mr. Chuprin. I find that Mr. Showler's summary in Showler 11 at paragraph 11, of the position in which Trowers and Hamblins and the Claimants find themselves, namely that: first, "The Defendants cannot be informed of evidence that is central to their case and directly relevant to their interests;" secondly, "the Claimants cannot give instructions on how to respond to that evidence;" thirdly, "cross-examination and trial strategy cannot be comprehensively prepared without Client input on key evidence;" and, fourthly, "Trowers and Counsel will have to make arrangements to exclude the

Claimants from the preparation of trial materials and strategic discussions;” is a fair and accurate summary of an unacceptable position for parties to find themselves in, in the approach to any trial, and particularly a trial of this magnitude and complexity.

13. I reject the Defendant's submissions to the contrary, and the claim that there is no specification of the difficulties the Claimants are encountering. There is ample specification. The evidence concerning the use of funds in the various bank accounts does not only go to remedies. Whilst I make no judgments on the matter in advance of hearing all of the evidence, it is evidence which will be relevant to a key underlying issue to the validity of the IC Trust, which, as I have already observed, is the beneficial ownership of the Kama Games businesses and their assets. I have considered Mr. Gilbert's evidence and made full allowance for the fact that it has necessarily been drafted in some haste. Even allowing for that difficulty, it does not grapple with the compelling arguments of potential relevance of the bank evidence to the issues the Court has to decide. This is now brought into focus by the competing evidence of the Parties, as I have already observed. Mr. Rose's frequent referring back to the grounds for production when the order was made, early disclosure, are not to the point of what is necessary now to secure a fair trial of the dispute between these Parties. I accept Mr Gilbert's evidence that the alternative proposed by Mr Showler to complete removal of the Confidentiality Ring restriction, in short maintaining some redactions, is impracticable and unworkable so close to trial, and that the Court must grasp the nettle of deciding whether it is fair and proportionate to maintain the confidentiality restrictions in full or discharge them.
14. In any event, it would be for the Defendant to put forward some workable means to protect and ensure the Claimant's fair trial rights whilst maintaining any measure of confidentiality in relation to the contents of the documents. He has not done so.
15. I have considered again the claimed risk to third Parties if the Confidentiality Ring is removed. I am not satisfied that the risk is such that it should cause me to deny the Claimants their fair trial rights in relation to the restricted materials. No other third Party beyond Ms. Kurylenko and no particular risk to them has been identified by the Defendant and the burden is upon him to demonstrate that risk. I say for completeness that the observations made in the last two sentences of paragraph 10 of my reasons for the order to produce the documents subject to, “the restrictions in Annex 3 to the order,” was not an acceptance of there being a risk to life and limb of any recipient of funds. It was made clear that the

Court is in no position to make a decision on such claims. It was merely recording the incidental protection provided by a Confidentiality Ring against any such risk, if it did in fact exist, which the Court was not able to determine.

16. Finally, guarding against any such risk is the responsibility of other state actors in different jurisdictions. This Court's responsibility is to ensure the fair trial rights of all Parties before it, and I am satisfied that the only and proper way to discharge that responsibility is to discharge the Confidentiality Ring order previously made with immediate effect.

Issued by:
Delvin Sumo
Assistant Registrar 
Date of issue: 5 May 2026
At: 3pm