



N1(CCFL)
Claim Form
 (CPR Part 7)

**In the High Court of Justice
 Queen's Bench Division
 Commercial Court
 Financial List
 Royal Courts of Justice**

	<i>for court use only</i>
Claim no.	
Issue date	

Claimant(s)

(1) NATIONAL BANK OF KAZAKHSTAN
 21 "Kotem-3", Almaty, 050040, Republic of Kazakhstan

(2) THE REPUBLIC OF KAZAKHSTAN
 Orynbor Street 8, House of Ministries, 13 Entrance 010000, Astana, Left Bank,
 Kazakhstan



Defendant(s)

(1) THE BANK OF NEW YORK MELLON SA/NV, LONDON BRANCH
 160 Queen Victoria Street, London, EC4V 4LA

(2) ANATOLIE STATI
 20 Dragomirna Street, Chisinau, MD-2008, Moldova

(3) GABRIEL STATI
 1A Ghiocilor Street, Chisinau, MD-2008, Moldova

(4) ASCOM GROUP SA
 75 A. Mateevici Street, Chisinau, MD-2009, Moldova

(5) TERRA RAF TRANS TRADING LIMITED
 13/1 Line Wall Road, Gibraltar

Name and address of Defendant receiving this claim form

(1) THE BANK OF NEW YORK MELLON SA/NV, LONDON BRANCH: 160 Queen Victoria Street, London, EC4V 4LA
 (2) ANATOLIE STATI: 20 Dragomirna Street, Chisinau, MD-2008, Moldova
 (3) GABRIEL STATI: 1A Ghiocilor Street, Chisinau, MD-2008, Moldova
 (4) ASCOM GROUP SA: 75 A. Mateevici Street, Chisinau, MD-2009, Moldova
 (5) TERRA RAF TRANS TRADING LIMITED: 13/1 Line Wall Road, Gibraltar

	£
Amount claimed	N/A
Court fee	528
Legal representative's costs	TBC
Total amount	

The court office at the Admiralty and Commercial Registry, The Rolls Building, 7 Rolls Building, Fetter Lane, London, EC4A 1NL is open between 10 am and 4.30 pm Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number.

Brief details of claim

1. Under a Global Custody Agreement (“**GCA**”) dated 24 December 2001 between the First Claimant (“**NBK**”) and Boston Safe Deposit and Trust Company (“**Boston Safe**”) and Mellon Bank NA, London Branch (“**Mellon**”), Mellon and Boston Safe agreed to hold on behalf of NBK certain securities and cash of the National Fund of Kazakhstan as custodian and banker respectively. English law governs the GCA and the GCA is subject to the non-exclusive jurisdiction of the Courts of England and Wales.
2. The First Defendant has succeeded to the rights and obligations of Boston Safe and Mellon under the GCA.
3. The Second to Fifth Defendants (the “**Stati Parties**”) have obtained an arbitration award against the Second Claimant (“**RoK**”) in the amount of about US\$515 million (the “**Award**”) and an order from this Court permitting enforcement of the Award in this jurisdiction. However, RoK has applied to set aside the permission to enforce, claiming that the Award was obtained by fraud. The application is pending and this Court has directed a trial of the fraud claim, which is currently listed for trial in October 2018.
4. On 11 October 2017, the Dutch language Court of first instance in Brussels (the “**Belgian Court**”) made an order authorizing the Stati Parties to proceed to the garnishment (on a protective basis) of claims and assets that pertain to the “saving fund” of the RoK in the hands of BNYM as security for an anticipated claim in Belgium to enforce the Award.
5. By an undated declaration issued in late October 2017, BNYM proceeded to the freezing of the claims and assets held under the GCA on the basis that, in its view, it cannot fully be excluded that the RoK has or will have claims on BNYM in view of its contractual relationship with NBK and the uncertainties of the legal relationship existing between NBK and the RoK.
6. On 25 May 2018, the Belgian Court ruled that (among other things) the question whether BNYM is a debtor towards RoK so as to permit garnishment on the part of the Stati Parties was required to be resolved by the competent trial court under the GCA (i.e., this Court), and under English law.
7. In these circumstances, the Claimants seek declaratory relief (the precise terms of which will be set out in the Particulars of Claim) as to the nature of the obligations owed by BNYM under the GCA, and in particular declarations that (i) the contracting parties to the GCA are BNYM and NBK (and not the RoK), (ii) the obligations owed by BNYM under the GCA are owed solely to NBK (and not also to RoK), and (iii) BNYM has no obligation to pay any debt due under the GCA to RoK or transfer to RoK any securities held under the GCA.

Particulars of claim (~~*attached~~)(~~*will follow if an acknowledgment of service is filed that indicates an intention to defend the claim~~)

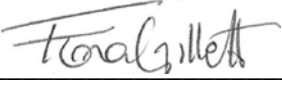
Statement of Truth

~~*(I believe)~~(The Claimants believes) that the facts stated in this claim form ~~*(and the particulars of the claim attached to this claim form)~~ are true.

* I am duly authorised by the claimants to sign this statement

Full name Fiona Gillett

Name of ~~*(claimant)~~(s' legal representative's firm) Stewarts Law LLP

signed  position or office held Partner

~~*(Claimant)~~(s' legal representative) (if signing on behalf of firm, company or corporation)

**delete as appropriate*

Stewarts Law LLP
5 New Street Square
London EC4A 3BF

Tel: 020 7822 8000
Fax: 020 7822 8080
DX: 369 London Chancery Lane
Ref: IGQC/FCG

Claimant's or legal representative's address to which documents or payments should be sent if different from overleaf including (if appropriate) details of DX, fax or e-mail.