

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

A.D. TRADE BELGIUM S.P.R.L.,

Plaintiff/Judgment Creditor,

v.

REPUBLIC OF GUINEA,

Defendant/Judgment Debtor.

Case No. 1:23-mc-00358

**DECLARATION OF EMMANUEL KASPEREIT IN SUPPORT
OF MOTION FOR WRIT OF ATTACHMENT FIERI FACIAS**

I, EMMANUEL KASPEREIT, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an Associé/Partner at the law firm Archipel in Paris, France, which represents the Plaintiff/Judgment Creditor A.D. Trade Belgium S.P.R.L. (“A.D. Trade”) in legal proceedings in France to enforce the two arbitration awards in favor of A.D. Trade and against the Republic of Guinea (“Guinea”) that were issued by arbitral tribunals convened by the International Chamber of Commerce’s International Court of Arbitration (“ICC”) in Paris, France, on November 22, 2017 (“2017 Award”) and February 3, 2020 (“2020 Award”). On December 8, 2017, after the issuance of the 2017 Award, the Tribunal de Grande Instance of Paris, France issued an order of recognition, or “exequatur,” in favor of A.D. Trade and against Guinea for the 2017 Award, resulting in an enforceable French judgment (“2017 Judgment”). I understand that the 2017 Award, 2017 Judgment, and 2020 Award have been recognized by the United States District Court for the District of Columbia in a judgment dated May 5, 2023.

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2. I make this declaration in support of A.D. Trade's Motion for an Order Authorizing the Issuance of a Writ of Attachment Fieri Facias Pursuant to 28 U.S.C. § 1610(c).

3. Guinea has not voluntarily paid the 2017 Judgment, and A.D. Trade has sought to enforce the 2017 Judgment against Guinea's assets in France.

4. On October 15, 2021, A.D. Trade applied and obtained from the Enforcement Court of Paris an authorization for execution on a parcel of real property located at 9 rue Léon Delhomme in Paris, France, owned by Guinea ("Paris Property") pursuant to Article L. 111-1-1 of the French Code of Civil Enforcement Proceedings.

5. On March 31, 2022, the Bailiff issued a writ of summons for execution on the Paris Property ("Execution Summons"), which was served on Guinea on September 29, 2022.

6. On June 2, 2022, A.D. Trade summoned Guinea for a hearing scheduled on October 13, 2022 before the Enforcement Court of Paris to have the Execution Summons validated and an auction date set.

7. The Enforcement Court of Paris scheduled an auction of the Paris Property for April 6, 2023 in a decision dated December 8, 2022.

8. On April 5, 2023, I received an official letter from Guinea's French counsel stating that he had been instructed by Guinea to transfer EUR 2.5 million to A.D. Trade "without delay" upon his "receipt of the said funds." A true and correct copy of the April 5, 2023 email attaching that letter from Guinea's French counsel, along with a certified translation, is attached hereto as Exhibit A.

9. A.D. Trade never received the funds promised by the April 5, 2023 letter, and the auction of the Paris Property thus took place on April 6, 2023. The Paris Property sold at auction for EUR 2,890,000. That amount was applied toward the partial satisfaction of the 2017 Judgment.

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A true and correct copy of the April 6, 2023 auction judgment from the Enforcement Court of Paris, along with a certified translation, is attached hereto as Exhibit B.

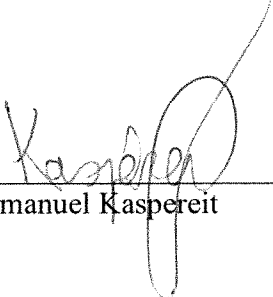
10. Under French law, funds recovered in partial satisfaction of a French judgment are first applied to reduce the interest owed under such a judgment pursuant to Article 1343-1 of the French Civil Code.

11. As of June 14, 2023, EUR 43,551,783.29 and USD 48,361.90 of interest had accrued on the 2017 Judgment.

12. This means that under the French law applicable to the 2017 Judgment, the proceeds from the auction of the Paris Property (which has been put into an escrow account on June 14, 2023, prior to its payment to A.D. Trade) reduced the amount of accrued interest on the 2017 Judgment from EUR 43,551,783.29 and USD 48,361.90 to EUR 40,661,783.29 and USD 48,361.90. The principal owed under the 2017 Judgment remained unchanged.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on August 9, 2023, in Paris, France.


Emmanuel Kasperit