



JUSTICE FOR SALE

Anger over judges' work in the Middle East Human rights groups hit out at senior lawmen

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Russell Findlay Lords Hope and McGhie
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Senior judges have been accused of damaging the image of Scotland's justice system after taking posts in countries with appalling human rights records.

The lawmen, including Lord James Hope and Lord James McGhie, have been recruited to civil courts in the Middle East. But campaigners say accepting positions there gives credibility to oppressive regimes.

The country's top judges have been accused of selling out the reputation of Scottish justice by working for Middle East countries with toxic human rights records.

Two judges are on the payroll of the United Arab Emirates (UAE), where domestic violence against women is legal and regime critics are tortured and jailed without trial. The most senior judge is Lord James Hope of Craighead — Scotland's former lord president and an ex-deputy president of the UK Supreme Court.

A Sunday Mail investigation has also found Lord James McGhie was registered to sit in the UAE while also dispensing justice at the Court of Session in Edinburgh.

Campaigner Peter Tatchell said: “It seems highly inappropriate for Scotland’s previous top judge and former deputy president of the UK Supreme Court to work for the UAE given its poor human rights record.

“He’s giving legitimacy to the UAE’s legal system, which does not conform to international standards and is accused of suppressing civil liberties and freedom of expression.”

Retired UK judges are being lured with big pay cheques to civil courts in Qatar and the UAE states of Abu Dhabi and Dubai.

Lord Hope is chief justice of Abu Dhabi Global Market Courts, who also employ Lord McGhie and six other male judges from the UK and Commonwealth.

Businessman Ahmad Ali Al Sayegh is chairman of Abu Dhabi Global Market Court and last month was appointed minister of state.

He was sworn in by prime minister Sheikh Mohammed bin Rashid Al Maktoum and Abu Dhabi’s Crown Prince Sheikh Mohammed bin Zayed Al Nahyan. Another former lord president, Lord Arthur Hamilton, sits in a court in Qatar who are accused of backing international terrorism and using migrant slave labour.

Qatar – which inflicts flogging and stoning for “crimes” such as homosexuality and blasphemy – used to employ yet another former lord president, Lord William Cullen. Sir David Edward, who used to sit in the Court of Session and European Court of Justice, was also previously on the Qatari International Court and Dispute Resolution Centre payroll.

Qatar, which will host the 2020 World Cup, is accused by some countries of supporting Islamic State and other terror groups.

Critics say judges harm the reputation of Scotland’s justice system by selling themselves to wealthy despots.

Despite not working within either country’s Sharia system of criminal law, campaigners say the legal experts effectively legitimise human rights abuses.

SNP MSP Alex Neil, who backs a judicial register of interests, said: “This is not a good advert for Scottish judges or the justice system.

“They should really question the morality of working for some of the most regressive and dictatorial regimes in the world.

“Retired judges are entitled to do what they want – but one would have hoped that their consciences would be pricked.

“Any serving judge seeking such employment should certainly be required to get the explicit permission of the Lord President.

“It’s not acceptable for serving judges to moonlight in this way. It appears to be driven by greed as they are already very well paid in Scotland.”

Lawyer David Haigh of campaign group Detained in Dubai added: “This is judges for sale – and they appear happy to be sold.

“When people realise that they’re flogging our law for their golden retirements they’ll be appalled. They get paid a fortune. It’s sheer greed. They’re selling the reputation of British law which is not theirs to sell.”

Haigh was arrested in Dubai in May 2014 after a dispute with his ex- employers and was held in jail without trial for 14 months.

The former Leeds United chairman claims he was raped and tortured behind bars after being accused of fraud, which he denies, and has been fighting for justice ever since. During his ordeal, he was unable to personally appear at Dubai International Finance Centre Court and has complained about an English judge who sits there.

Last year, Haigh helped to block the UAE’s bid to extradite Edinburgh bus driver Garrett Black.

Edinburgh Sheriff Court heard that breach of trust charges against Black were fabricated after his daughter split from her abusive husband in Dubai and returned to Scotland. Sheriff Thomas Welsh QC accepted Haigh’s detailed testimony of torture and abuse.

In his written findings, he said: “I fully accept he was repeatedly seriously assaulted by Dubai police officers and tasered while detained at Bur Dubai police station. I accept he was interrogated and forced to sign a document in Arabic, the content of which he could not understand. Thereafter, I believed the account he gave of squalid, overcrowded and insanitary detention conditions in Bur Dubai police station.

“I further believe he was sexually assaulted and raped in the car park of that police station during his detention.”

Haigh said: “Extradition attempts by Dubai are unsuccessful because the UK courts have concluded there’s a real risk of torture, abuse, discrimination and unfair trials.

“So while our courts refuse to extradite to the UAE, our judges are happy to sit in their courts.

“For the judges to say they’re independent is nonsense. These countries are using judges to give their courts credibility.

“It’s terrible. I’ve obviously experienced it myself. I find it horrifying that former UK judges turn a blind eye to what’s going on.”

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Tatchel believes the UK should have rules about overseas appointments. He said: “These judges appear to be using their reputation in Britain and the Commonwealth to secure lucrative appointments in the legal system of a despotic regime.

“They should make a transparent declaration of the remuneration they are receiving.

“The British judicial authorities should establish a clear set of rules for former judges who take up private work after the end of their judicial career in this country.”

Labour MSP Neil Findlay said: “This is remarkable – here we see what appears to be sitting and former Scottish judges cashing in on their status working for a regime who, according to Human Rights Watch, are involved in the Saudi coalition attacks on Yemen, have an appalling record on workers’ rights, arbitrarily detain and forcibly disappear individuals who criticise authorities, legally permit domestic violence and use the death penalty.

“How can people who make or have made their living upholding the law in the UK defend their involvement, albeit in the commercial courts, of a legal system such as the UAE?”

Sir David Edward travelled to Qatar once to take the judicial oath but never sat on any cases and retired at 75.

He said: “I went out there to be sworn in then came back.

“I suppose if there had been more work, I might have been called upon. I had one visit to Qatar, which I didn’t like at all. I just don’t like these places.” Defending the right of Scottish judges to work there, he added: “The purpose of the court was to resolve commercial disputes outside the scope of Sharia law because the ordinary courts in these countries are Sharia courts. There is much misunderstanding about what Sharia is. It’s not all about cutting off hands and so on.

“I don’t think you’re lending weight to the regime. I think it’s better that there should be some form of independent tribunal. It’s a positive force against bad.”

A Judicial Office for Scotland spokesman said: “Judges are independent and when they reach statutory retirement age they are entitled to return to private practice or take up posts in other jurisdictions if they wish. “Retired Scottish judges have been appointed to the Abu Dhabi Global Market Courts, an international court recognised by financial centres across the world, where they sit alongside judges from England and Wales, Australia and New Zealand, and deal solely with international commercial disputes.”



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