

Dear John

At the hearing in Canberra on 21 July, the chairman asked CLA whether we knew of any infringements of civil liberties in countries with FTAs or similar agreements with Australia. We ask you draw this email to the attention of the committee, and its members.

CLA believes that the chairman should direct the same question to DFAT, as it is the body most likely to be alerted to any infringements of civil liberties or human rights overseas: CLA is most unlikely to be informed of overseas issues.

We also draw the committee's attention to this report, below, on 7.30 on the night of 21 July 2015. Cases such as this one is part of the "challenges" of doing business which DFAT never highlights – as it should – in assessments of doing business with particular countries or regions:

Australian Broadcasting Corporation

Broadcast: 21/07/2015

Reporter: David Lewis

The family of An Australian businessman fear he could die in the United Arab Emirates after he was detained by a legal system described as 'backward and arbitrary'.

Transcript

LEIGH SALES, PRESENTER: An Australian businessman is trapped on the other side of the world with no money, no legal representation and no hope of release.

Seventy-three-year-old Jerry Dowling, originally from Brisbane, is increasingly desperate.

He moved to the United Arab Emirates to capitalise on a construction boom, but his business partner absconded and he is being held under house arrest.

He's the latest Australian caught in the UAE's complex legal system, as David Lewis reports.

....

But behind the glittering facade of the Emirates lies numerous cultural and legal pitfalls. (emphasis added)

JOHN SNEDDON, LAWYER: I think the biggest pitfall is to assume that although the UAE looks very Westernised, that it is therefore quite Western in its approach to legal issues.

...

(To John Sneddon) It would be tempting to describe what Jerry has done as foolish. Many of our viewers, I think, would see it that way. But you wouldn't?

JOHN SNEDDON: Ah, no. By Australian standards we'd say it's foolish; certainly not the sort of thing that I'd be recommending to my clients in Australia. By United Arab Emirates' standards, providing powers of attorney and post-dated cheques to your business colleagues is regarded as not exceptional. It's quite standard and it's done by many people.

<http://www.abc.net.au/7.30/content/2015/s4278218.htm>