

Court reduces jail term and fine for Deyaar ex-board member

Dubai Appeal Court rejects two appeals after civil rights claimant drops case

- By Bassam Za'za', Senior Reporter
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Dubai: A court on Wednesday decided that it was enough for Deyaar's ex-board member to have spent one year in jail instead of three, in a graft case worth millions of dirhams.

The Dubai Appeal Court on Wednesday amended the primary judgment (three years in jail and Dh115 million fine) against 42-year-old Emirati Deyaar's former board member, S.A., and sufficed with one-year imprisonment and Dh11.75 million fine after Deyaar waived its rights.

In a verdict that is believed to be the first of its kind in graft cases since Dubai Government launched a campaign against corruption in 2008, Presiding Judge Mustafa Al Shennawi said in the courtroom: "The court has rejected Deyaar's two appeals after the claimant in civil rights [Deyaar] dropped its case against S.A. and waived its civil rights. The appellant Deyaar will pay lawyers' and civil lawsuit's fees".

Prosecution's appeal

"The court has also dismissed the public prosecution's appeal. Meanwhile the jury has amended the primary judgment against S.A. and sufficed it with a one-year imprisonment and Dh11.75 million fine," he said.

Last month, Deyaar lawyers surprised the Appeal Court when they dropped the graft case against the company's ex-board member claiming it incurred no damages.

Lawyers representing Deyaar in the civil right case handed the Presiding Judge Al Shennawi a written waiver in which they dropped the case against S.A. after a settlement was reached. The written waiver confirmed that Deyaar "did not incur any damages or losses".

S.A.'s lawyer Dr Habib Al Mulla presented two documents issued by the Ruler's Court confirming that S.A. was not assigned as a public servant when he served as a board member.

"The amounts were not taken as illegal profits or bribes. My client had not abused his power as a public servant, made unlawful gains, or accepted or requested a bribe.

Prosecutors failed to identify exactly, in the bill of charges, how my client abused his duty. The charge sheet was unclear, unspecific and did not contain any concrete or subordinate evidence. The Financial Control Department's auditing report was groundless," argued Dr Al Mulla.

After Deyaar waived its right and dropped its case against S.A. confirming no loss was incurred, Dr Al Mulla asked the court to acquit his client. The First Instance's Court had sentenced S.A. (who is on bail) to three years in jail and fined him Dh115 million after he was found guilty of abusing his government job, causing loss to Deyaar and unlawfully pocketing Dh11.75 million in the process. An Emirati businessman, A.J., and S.A. were acquitted of dealing in treasury illegally.

Wednesday's judgment remains subject to appeal in the Cassation Court within 30 days.

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