

# Legal Alert



## Big brother is watching

By Stuart Walker | 4 November 2018

The DIFC Court has confirmed that businesses in the DIFC can listen in and make use of telephone conversations made by their employees. His Excellency Justice Omar Al Muhairi issued an order to this effect on 31 October in the case of ED&F Man Capital Markets MENA Ltd and RJ O'Brien MENA Capital Ltd (and others). Afridi & Angell are representing ED&F Man Capital Markets MENA Ltd in this matter. Lawyers for the defendants had sought to exclude evidence introduced by ED&F which consisted of transcripts of telephone conversations made by ED&F employees. Defendants' counsel claimed that such recordings were a breach of the UAE Penal Code, and therefore should be inadmissible in the DIFC Court proceedings. Justice Al Muhairi rejected this argument on two grounds. Firstly, on the basis that the individuals involved in the telephone conversations had provided consent to the recordings, and secondly on the basis that the Dubai Financial Services Authority mandates the recording of communications relating to transactions. ■

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Stuart's primary practice includes financial services regulation, corporate finance, mergers and acquisitions and employment matters. He advises parties during Dubai Financial Services Authority (DFSA) investigations and, where necessary, negotiates settlements on their behalf. Stuart was instructed by the first authorised firm to be fined by the DFSA and has since gone on to advise in connection with a significant number of DFSA investigations. He was admitted as a solicitor in England & Wales in 2001 and moved to Dubai in 2003.

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