

From The Times

July 21, 2009

Non-Muslims turning to Sharia courts to resolve civil disputes



Sheikh Suhaib Hasan, of the Islamic Sharia Council, says problems such as knife crime would be resolved if Britain implemented Islamic penal codes

Fiona Hamilton, London Correspondent

Increasing numbers of non-Muslims are turning to Sharia courts to resolve commercial disputes and other civil matters, *The Times* has learnt.

The [Muslim Arbitration Tribunal](#) (MAT) said that 5 per cent of its cases involved non-Muslims who were using the courts because they were less cumbersome and more informal than the English legal system.

Freed Chedie, a spokesman for Sheikh Faiz-ul-Aqtab Siqqiqi, a barrister who set up the tribunal, said: "We put weight on oral agreements, whereas the British courts do not."

In a case last month a non-Muslim Briton took his Muslim business partner to the tribunal to sort out a dispute over the profits in their car fleet company. "The non-Muslim claimed that there had been an oral agreement between the pair," said Mr Chedie. "The tribunal found that because of certain things the Muslim man did, that agreement had existed. The non-Muslim was awarded £48,000."

He said that the tribunal had adjudicated on at least 20 cases involving non-Muslims so far this year. The rulings of the tribunal are legally binding, provided that both parties agree to that condition at the beginning of any hearing.

Anti-Sharia campaigners, who claim that the Islamic system is radical and biased against women, expressed alarm at the news. Denis MacEoin, who wrote a recent report for the think-tank Civitas examining the spread of Sharia in Britain, said that MAT's claims about non-Muslim clients "raises all sorts of questions".

He added: "You really need to ask why. What advantages could that possibly have for them going to an Islamic court? Any [Sharia] court is going to be implementing aspects of a law that runs contrary to British law, because of the way it treats women for example."

Inayat Bunglawala, a spokesman for the Muslim Council of Britain, said that organisations should be free to conduct arbitration under Sharia, provided that it did not infringe British law and was a voluntary process.

Baroness Warsi, the Shadow Minister for Community Cohesion and Social Action, who is Muslim, said that there were many forums for arbitration and alternative dispute resolution in Britain. "There is no problem with that, as long as it is always subject to English law," she said.

The Times has also learnt that the MAT is planning to triple the number of its courts by setting up in ten new British cities by the end of the year. It will expand its network further by acting as an advisory body to dozens of other Islamic courts, with the intention of achieving national consensus over rulings and procedures.

Although Sharia courts have been operating in the civil jurisdiction since the early 1980s, they have been doing so only in the shadows and in an ad-hoc fashion. The Civitas report estimated that there were 85 Sharia councils in Britain.

As such, if the MAT was successful in bringing a number of the existing councils into line with its own courts, it would in effect create Britain's largest national co-operative of tribunals.

Mr Chedie said that the plan would legitimise Sharia because all the courts under its umbrella would be "consistent in their rulings". The MAT, which has legal legitimacy under the Arbitration Act 1996, already operates in London, Birmingham, Bradford, Manchester and Nuneaton, Warwickshire. At its annual conference in October it will decide its ten new locations, which are likely to include Leeds, Luton, Blackburn, Stoke and Glasgow.

The tribunal is inviting 24 Sharia councils to attend the conference so that it can train them on procedures and rulings in an attempt to achieve national consistency. Most Sharia courts deal only with divorce and family disputes but the MAT also rules on commercial matters and mediates over forced marriages and domestic violence.

Mr Chedie said: "We would train most of the imams so that a lady in Glasgow would receive the same form of service as a lady in London. Sharia councils are already falling into line under us. There is hysteria and inherent prejudice against Sharia, but the overwhelming opinion of the judiciary is that English law and Sharia are compatible. It is only people at the right end of the political spectrum who are scaremongering." Mr Chedie argued that the legitimacy of the MAT was further enhanced because non-Muslims had started to use it for arbitration.

Mr MacEoin said he was sceptical that the MAT could achieve unity because there were several different schools of thought when it came to Islamic law. He added that the Muslim community was already deeply divided over ideology.

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