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ATTENDANCE NOTE

File ABDULHAK
Fee Earner IRB (HR)
Date 14.2.2013

2:40pm

In attendance:

Ian Burton ('IRB') and Lord Ken Macdonald QC (KMQC)

DS Jess Wadsworth (JW) and DCI Andy Partridge (AP) from the Metropolitan Police Service (MPS)

(Hannah Raphael note taking)

1. IRB explained to the officers that we act for Shafer Abdulhak.
2. Our specific instructions were to come and listen to what the police had to say, to report back to Shafer Abdulhak and then to see if we could find a way forward that was acceptable to all parties. For the purposes of this meeting we also represented the interests of Farouk Abdulhak.
3. IRB emphasised that Shafer Abdulhak is very keen to find a solution to this matter. This was reflected in the fact that he had retained both IRB and KMQC, former DPP.
4. IRB explained that we were aware of the work that Peters & Peters had carried out previously. Through their correspondence and proposed meetings they had put forward suggestions as to how matters could be resolved if Farouk Abdulhak returned to the UK, for example bail conditions and prisoner transfer (if convicted). They were putting forward these suggestions (no doubt in what they considered an appropriate way) in order to find a resolution, but did so without instructions and without the knowledge of the clients. Consequently we do not consider ourselves bound by their actions.
5. JW worked on this case from the outset. She has now left homicide and is in the process of handing the file over to Andy Partridge.
6. JW explained what had happened in the time since the crime took place.
7. JW spoke to Shafer Abdulhak about a day after Martine Vik Magnussen's body was discovered and told him that they needed to speak to Farouk. Her view was that Mr Abdulhak had clearly been taken aback by this call and said that he knew nothing about it, he did not know where his son was and suggested that we should talk to his lawyers.
8. The MPS then turned to building the case.

9. A first instance warrant for the arrest of Farouk Abdulhak was issued, then a European Arrest Warrant was issued, and finally Interpol Red Notices were circulated.

Efforts made with the intention of securing a trial of Farouk in the UK

10. The MPS liaised with the Home Office and the Foreign Office. After some persuasion from the MPS the Home Office issued an *ad hoc* request for Farouk's extradition from the Yemen to the UK. This was served together with a case summary via the Yemeni embassy in the UK. The request was rejected on the basis anticipated, (i.e. that the Yemeni constitution forbids the extradition of its nationals).
11. From the outset the MPS have been aware that for their 'Plan A' to succeed, i.e. for Farouk to be tried in the UK, he would have to volunteer to return to the UK for trial.
12. The Yemen team in the foreign office have raised this case at every possible opportunity with the Yemeni authorities. Alistair Burt met the victim's father and assured him that the British Government would continue to pursue the matter. The MPS has been supporting the UK diplomatic effort at all levels.
13. JW said that the victim's father is a very ethical man. He is resolute that these global barriers should come down and that real justice should be achieved. He has apparently received several offers of other routes to resolution but has turned them all down. He has built up a global network to assist him in pursuing justice for his daughter.
14. There are three different bodies that have sought to exert a constant pressure to bring Farouk to trial in the UK: the UK government, the law enforcement agencies, and the Norwegians.

Refusal to agree to the case being tried in the Yemen

15. The MPS have been asked several times by the Yemenis to hand over their case file on Farouk, but have refused on the grounds that there is no reason to do so.
16. They have informed the Yemenis on numerous occasions that they will not support a trial in the Yemen.
17. The Foreign Office commissioned an academic report on the justice system in the Yemen. They concluded that corruption was rife. In 'law enforcement' they considered cases where trials had been held abroad and looked at what was the same or different to this case. The CPS wrote a position document which was briefed all the way up to ministerial level and the answer remained that a trial in Yemen was not a viable option.

Prisoner Transfer

18. JW said that the other topic that has been raised in the past is that of Prisoner Transfer. That is the domain of the Foreign Office which is in the process of progressing programmes for prisoner transfers with other countries. The programme could come to the Yemen but it has not yet.
19. JW conceded that it could prove to be very relevant here.

Other issues

20. The MPS have found it very frustrating that they have not succeeded in finding a pathway to a solution. They seemed to accept that their Plan A did not look like it would succeed, at least not without developments in the prisoner transfer programme for the Yemen.

21. According to JW, the perception of Mr Abdulhak senior currently held by the victim's father is that he is only interested in positive PR for himself and that it is simply hot air that he wants a solution to this. In support of this contention JW pointed to the fact that it is understood that Shafer Abdulhak hired Bell Pottinger to help him with publicity in Norway.
22. IRB and KMQC repeated their assurances that Mr Abdulhak was a man of the highest integrity who was serious about wanting to find a solution to this matter.

Discussion regarding holding a trial in a different country altogether

23. The MPS are not in a position to say whether a trial in a different jurisdiction is a viable alternative. They could say however that there would be no agreement to the trial being held in the Yemen. Neither the authorities nor the family of the victim presently believe that a trial in the Yemen would represent a route to justice given the system over there.
24. IRB said he wanted to make it absolutely plain that at present we have no instructions other than to seek to uphold what is set out in the Yemeni constitution, however as stated above there is a real desire to resolve the matter.
25. The MPS are adamant that the matter should be tried in the UK. IRB said that desired starting points are not always tenable, positions change. He gave the example of the UK's position with regards to Libya and Lockerbie. The UK's position had also initially been that they would only support a trial being held in the UK but eventually they compromised and agreed an alternative way forward to resolve matters. IRB had been instrumental in devising the plan which was eventually put in place for the Lockerbie bombers to be tried abroad Whilst he wasn't suggesting that such an alternative would either be acceptable or appropriate in this instance IRB believed it was right that both sides acknowledged that there would have to be movement if the matter is to move forward.
26. JW said that the MPS will listen to any suggestions made. They want to find a way out of this impasse. As far as alternative venues for trials are concerned, they would want to be persuaded that there would be a credible trial in a credible system where a sentence proportionate to the seriousness of the crime would have to be served.
27. IRB said that he would report this conversation back to Shafer Abdulhak to obtain his views and instructions. That might take some time in view of KMQC and IRB's commitments abroad and would also be dependant upon when SA is next in Europe. IRB hoped to be able to inform the MPS in a few weeks time that they have been able to schedule a meeting with Shafer Abdulhak after which he would revert to MPS.

Time engaged

1 hour