



## QATAR INTERNATIONAL COURT AND DISPUTE RESOLUTION CENTRE

### Overview of the legal system in Qatar

1. Most courts in the State of Qatar lie under the Supreme Judicial Council ('SJC'), chaired by the Chief Justice. The SJC sits within the Ministry of Justice with the responsible minister being the Minister of Justice. The highest court in the State of Qatar is the Court of Cassation. The State of Qatar has the usual set of courts one would expect - civil, criminal, and family etc. The country employs a civilian legal system, save for the Qatar International Court and Dispute Resolution Centre (see below).
2. The Qatar International Court and Dispute Resolution Centre ('QICDRC'), comprising the Qatar Financial Centre ('QFC') Civil and Commercial Court (the 'QFC Court' or the 'Court'), Regulatory Tribunal (the 'Regulatory Tribunal'), and arbitration and mediation services, was initially established by the QFC Law No. 7 of 2005.
3. The QFC was set up as a special economic zone ('SEZ') that provides favourable business conditions designed to attract investment into the State of Qatar. Those conditions include a favourable tax regime, an ownership structure that allows a company to be 100% foreign-owned (with no requirement for a local partner), a full repatriation of profits, and a set of laws based on international best practice that will be familiar to international investors. To date, well over 3,000 firms have registered with the QFC.
4. The QICDRC sits under the Ministry of Trade and Investment rather than the Ministry of Justice.
5. Part of the significant attraction of the QFC is that the QFC Court and Regulatory Tribunal are the default bodies to which disputes from the QFC do go (latterly, the QICDRC also

became the default forum for various matters coming from the Qatar Free Zones, another SEZ established by the State of Qatar).

6. Importantly, the QFC Court is an opt-out one, and this means that the Court's jurisdiction is very clearly delineated by statute, leading to no friction with the other national courts as cases do not overlap. The Court regularly sends cases to the other national courts and vice versa where jurisdiction lies with the other body. It is important to note that the QFC Court is a court of the State of Qatar and is part of the same legal system as the other courts and tribunals (and the Regulatory Tribunal), something that is particularly pertinent in relation to smooth enforcement.
7. The QICDRC and its Court is led by its President, Lord Thomas of Cwmgiedd, former Lord Chief Justice of England and Wales ('**LCJ**'; indeed, all former Presidents have held the LCJ position), and the Regulatory Tribunal is led by Sir William Blair. The QICDRC boasts 16 Judges from 10 jurisdictions (Qatar, England and Wales, USA, France, South Africa, Hong Kong, Singapore, People's Republic of China, Australia, and India), uniquely covering the common law tradition, the civil law tradition, and regional law traditions through our Qatari Judges. The Judges are either senior retired Judges or eminent practitioners and academics. The Registry is run by a Registrar, and includes a Deputy Registrar and case managers. The Registrar has ultimate responsibility for the progression of cases through the Court, can issue orders and directions, and is also the costs judge, playing a critical role in the administration of justice.
8. There are two divisions within the Court: the First Instance Circuit and the Appellate Division. Cases before the First Instance Circuit can be heard before a Single Judge or a panel of three. The Appellate Division sits in panels of three. The governing statute of the Court makes it clear that decisions of the Appellate Division are final and may not be appealed further.
9. The law that is applied within the QICDRC (by the QFC Court or Regulatory Tribunal) is the law that applies within the SEZ in question, e.g. the QFC. So, the QFC has a series of

regulations, including those covering contract, employment, financial services, insolvency, arbitration, companies, data protection, immigration, tax, and partnerships, to name but a few. Those regulations are self-contained and will be applied in litigation before the QICDRC. Other national, i.e. non-QFC Qatari laws, may also apply in certain circumstances e.g. the Qatar Civil Code, and where appropriate those laws will be applied in litigation. The procedure that is deployed at the QICDRC is based on the common law system (Lord Woolf of Barnes, the QICDRC's first President, wrote the first set of Rules and Regulations for the QFC Court and Regulatory Tribunal).

10. The QICDRC prides itself on the high-quality, cost-effective, and efficient service that it provides to all court users, with transparency, access to justice, and the rule of law at its core.
11. The QICDRC is now the second busiest international commercial court in the world of its kind.
12. The QICDRC also contains a Mediation Centre: there is a panel of high-quality, multi-lingual mediators, along with a modern and user-friendly set of mediation rules, with other useful information including a model mediation agreement. Prospective parties can apply for mediation through the [QICDRC website](#) or by contacting the Registry. Mediation can occur either in-person, virtually, or in a hybrid format.

## **JDR within the QICDRC**

### Introduction

13. The Registry and specifically the Registrar play a critical role in the case management of litigation within the QICDRC. Every case, prior to it being formally accepted/issued by the QICDRC, goes to the Registrar for approval. The Registrar is able, among other things, to accept or reject cases and issue directions (with or without directions hearings) during the passage of cases, and is also the Costs Judge for the QICDRC. The Registrar is effectively a judicial figure and is the focal point for cases that are filed which might be appropriate for mediation.

14. The QICDRC has two primary ways to encourage parties to settle disputes:

- i. Informal encouragement of settlement by the Registrar/Judges.
- ii. Mediation directed to the QICDRC Mediation Centre once a case has been filed.

15. The Court's Rules and Procedures (the '**Rules**') explicitly mention mediation on two occasions, in articles 5.1 and 26.1:

*The Court will encourage the parties, whenever it is appropriate to do so, to resolve their disputes by resorting to arbitration or mediation or any other method of alternative dispute resolution [5.1].*

*The Court may at any time adjourn or stay proceedings so that the parties can attempt to settle their differences by mediation or by another form of alternative dispute resolution [26.1].*

16. Article 10.3 of the Rules also makes it clear that the Court "*may grant all such relief and make all such orders as may be appropriate and just, in accordance with the Overriding Objective...*". The Overriding Objective in article 4.1 is to deal with all cases "*justly*".

#### Informal encouragement

17. Where a case appears that is appropriate for mediation after it has been filed, the QICDRC will seek informally to broach the issue of mediation with the parties. At this stage this is not something that might be mandated, but in the experience of the QICDRC Registry, an early suggestion at this stage can often be very effective in bringing the parties together to resolve the dispute before it gets into the machinery of the litigation process proper.

18. In this scenario, the QICDRC will suggest that the mediation is conducted through the QICDRC Mediation Centre, but of course the parties have the option to conduct this separately.

Mediation directed to the QICDRC Mediation Centre

19. This scenario arises from the point at which a Judge receives the papers for a case, typically once the Statement of Claim, Defence and Reply have been filed and served. As ever, the Registrar may flag to the Judge(s) that the case appears to be appropriate for mediation. In such a case, and where the Judge(s) is(are) of the view that mediation is appropriate, the Court may direct a case management conference on the issue of mediation to hear the views of the parties.
20. Following the case management conference, the Court may seek the agreement of the parties to mediate with the litigation stayed pending the outcome of that mediation. The Court may also wish to direct mediation. Where mediation occurs following Court intervention as described in this and the preceding paragraph, one of the Judges that is on the bench for the case in question will conduct the mediation. The significant advantage of this is that the Judge in question – who will become the mediator (the ‘**Judge/Mediator**’) – is already familiar with the case and has also met the parties at the case management conference. This saves time and resources, both for the parties and for the Judge/Mediator, and in our experience increases the chances of success.
21. The Judge/Mediator will also have had a chance to view the parties, gauge their approach to the litigation and positions, and will be in a good position to tailor their own approach to the mediation. All these facets in the experience of the QICDRC increase the prospect of a successful mediation. If the mediation is unsuccessful, the litigation simply proceeds, and the Judge/Mediator is replaced for the rest of the litigation by another Judge.
22. The Judge/Mediator role is a unique aspect of mediation at the QICDRC. Where the Court directs mediation, the process is free of charge for the parties if conducted through the QICDRC Mediation Centre.

## **Further background to QICDRC JDR**

23. One of the great strengths of the QICDRC is the diversity of the litigants and the lawyers that appear, and these comprise people from across the globe with different legal traditions. One corollary of this fact is that parties and lawyers are accustomed to different practices in procedure, namely those of their own jurisdictions. This makes it all the more important that the officials of the QICDRC, including the judiciary, are vigilant in identifying cases that are suitable for mediation, as this may be a process to which a party may be unaccustomed. Therefore, as indicated earlier, the Registrar has a particularly critical role in this identification process, and this includes an educative aspect by explaining to parties the mediation process in general, and specifically at the QICDRC Mediation Centre, and by also directing them to information on the potential benefits of mediation.

24. It became apparent within the QICDRC that, given the many different legal traditions of the parties and lawyers that come before the QICDRC, a proactive approach was necessary from an early point within the litigation process to promote mediation: this is an approach that has borne fruit thus far. It is also a part educational approach which is consistent with one of the missions of the QICDRC to capacity-build.

25. The QICDRC's approach also stresses access to justice. Improving access to justice as much as possible allows litigants (including self-represented parties) to take ownership of their cases and this increases the chances in diversion and settlement rather than long, hard-fought litigation.

26. The QICDRC has in place various initiatives to promote access to justice which in turn lends itself to diversion and settlement:

- i. Bilingual proceedings: the QICDRC, as a national court of the State of Qatar, allows proceedings to be conducted either in English or Arabic, and provides free translations.

- ii. eCourt: the QICDRC employs a sophisticated case management system which can be accessed, either in English or Arabic, on a number of different devices (computer, laptop, surface or mobile telephone).
- iii. Webex for Courts: all proceedings are livestreamed and where interpretation is provided in court, this is also available through this technology to viewers.
- iv. Pro Bono: the QICDRC runs two successful pro bono schemes, one that provides free representation for cases within the QICDRC and a legal clinic that provides early advice and assistance on any civil or commercial matters to Qatari residents or businesses.
- v. Other resources: the QICDRC publishes a Case Digest which summarises the cases with the widest application in the preceding six months; a User Guide which summaries and explains the Court's Rules and Procedures to allow litigants to navigate proceedings easily; and in April 2025, *Azmeh and Nicol on the Law and Practice of the QFC Civil and Commercial Court and Regulatory Tribunal* was published in hardcopy and online (London, UK: LexisNexis, 2025) which is a thematic review of the caselaw at the QICDRC.

27. All the above, designed to ensure optimal access to justice, assists litigants (including those representing themselves) navigate their disputes easily, increasing the likelihood of diversion and settlement through mediation or other ADR as a result of making the law, practice and proceedings at the QICDRC as transparent as possible.

**QICDRC**

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