

07 July 2018

STATEMENT

BHRC to attend Kuwait Court of Cassation to continue monitoring ‘entry to Parliament’ mass trial

The Trial

The Bar Human Rights Committee of England and Wales (BHRC) is monitoring the trial of 70 Kuwaiti defendants convicted of public order offences following protests at the Kuwaiti National Assembly in 2011. 13 of those convicted are current or former members of Parliament. All of the defendants were acquitted by the trial court, but the Court of Appeal reversed the verdicts and handed down lengthy sentences of up to 9 years’ imprisonment.

The Court of Cassation is considering whether the Court of Appeal’s verdicts should be upheld or overturned. An earlier hearing took place before the Court of Cassation on 6 May 2018, attended by a BHRC delegation. The two lawyers who observed the trial on behalf of BHRC at that hearing were Pete Weatherby QC and Amanda Weston QC, with Tahar Boumedra, who arranged the delegation. An interim report has been published, available here:

<http://www.barhumanrights.org.uk/wp-content/uploads/2018/07/Kuwait-Interim-Report.pdf>

The next hearing will take place at the Kuwait Court of Cassation tomorrow, Sunday 8 July 2018. Caoilfhionn Gallagher QC will be observing on behalf of the BHRC, with Tahar Boumedra who facilitated the delegation also in attendance.

Denial of Visa

Pete Weatherby QC was again due to attend as a member of the BHRC delegation but on 1 July 2018 he was issued with a formal written denial of a visa. Correspondence sent the same day has not been answered. On the day of travel the Ministry of Foreign Affairs confirmed to the British Embassy that the Ministry of Interior had denied the application for a visa and that it had not been an administrative error. No reason has been given for the visa denial. BHRC has asked for a review of the decision but has not received a reply. As a result, Pete Weatherby QC has not been able to be a part of the delegation.

Despite this, in today's newspaper Al-Qabas, it was reported that, having been detained for some hours, the Kuwait Home Ministry authorised Pete Weatherby QC to enter the country having granted him a visa to observe the trial. This is not accurate. He was refused a visa and as a result did not travel and cannot observe the trial. Caoilfhionn Gallagher QC and Tahar Boumedra travelled to Kuwait without him and Ms Gallagher will be conducting the observation without him tomorrow.

Kirsty Brimelow QC, Chair of BHRC said:

"I have been closely engaged with the difficulties encountered by this trial observation delegation. It is not helpful to the trial process to go into further details at present, other than to clarify and confirm that Pete Weatherby QC was denied a visa. BHRC remains focused upon supporting due process and providing an independent legal report into these proceedings. It remains desirable that Kuwait demonstrates its commitment to international law and supports the delegation."

ENDS.

NOTES FOR EDITORS

1. BHRC is also aware of some inaccurate reports concerning events in the airport on the delegation's arrival, which will be addressed in the delegation's report after the hearing takes place.
2. BHRC is the international human rights arm of the Bar Council of England and Wales, dedicated to promoting principles of justice and respect for fundamental human rights through the rule of law. As part of its mandate, BHRC undertakes legal observation missions to monitor proceedings where there are concerns regarding compliance with international human rights standards. Trial monitoring is described by the OSCE as "a powerful tool for supporting judicial reform and promoting domestic and international guarantees of fair trial rights". Independent, objective monitoring of court proceedings by lawyers with expertise in international standards can identify both weaknesses and strengths of justice systems and can generate recommendations for improved practices and systems where required. It is a vital tool and one which BHRC is committed to continuing to use where and when required.
3. Any queries should be directed to Kirsty Brimelow QC, Chair of the BHRC, at k.brimelow@doughtystreet.co.uk
4. For more information on the Bar Human Rights Committee (BHRC), visit our website at <http://www.barhumanrights.org.uk>
5. The Bar Human Rights Committee of England and Wales (BHRC) is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. The BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.

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